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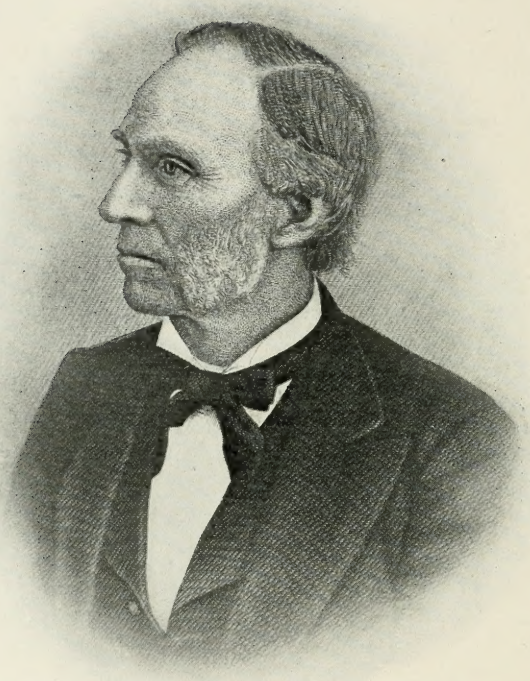
# MICHIGAN AS A STATE

FROM ITS ADMISSION TO THE UNION TO THE CLOSE OF THE CIVIL WAR

BY

BYRON M. CUTCHEON



Austin A. Bliss

# MICHIGAN

## As a Province, Territory and State, the Twenty-Sixth Member of the Federal Union

BY

HENRY M. UTLEY BYRON M. CUTCHEON

Advisory Editor

CLARENCE M. BURTON

VOLUME THREE

*Si quæris peninsulam amœnam circumspice*

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# PREFACE

THIS Volume embraces the history of "Michigan as a State" from 1835 to 1865.

In the beginning of this period there was an overlap between the Territory and the State, but the real history of Michigan as a State must begin from the adoption of the State Constitution and the organization of the State government, November, 1835. From that date until January 26, 1837, the government was dual .

This volume has been compiled almost entirely from official and semi-official sources:—from the proceedings of the legislatures, from the public documents printed by the authority of the State, from messages of Governors and reports of State officials, and also from the public documents printed by the Congress of the United States.

In addition to these the "Collections" of the Pioneer and Historical Society of Michigan published under State auspices, have been freely drawn upon; credit being usually given, where such material has been used.

The material of existing histories of the State has not been used at all, except in a few instances where opinions on some point have been cited from Justices Cooley or Campbell, on account of the great weight justly due to those eminent jurists.

It has been the belief of the writer that in compiling the history of a free, representative Commonwealth, there is no more certain and legitimate way of arriving at the movements of public sentiment among the people, or to ascertain the social or political aims and ideals of the population, than to study the laws and public documents of the legislatures and public officials. They will be found a complete reflex of the thoughts, purposes, aspirations and demands of the masses of the electors.

And if one set of legislators do not meet those demands, the people will take care that another set is chosen who will do so.

In compiling the history of education in Michigan the writer has had recourse to the reports of the superintendents of public instruction, especially those of the first one, John D. Pierce, the founder of the common school system of the State. Also to the History of Primary and Secondary Education, by Daniel Putnam, LL.D.; The Government of Michigan, by Webster Cook, A. M.; The History of Higher Education in Michigan, by Professor Andrew C. McLaughlin, University of Michigan, and various reports of the Board of Regents of the University.

In political matters he acknowledges his indebtedness beside the sources before mentioned, to the Life of Lewis Cass, by Professor A. C. McLaughlin, (American Statesmen Series). The Life of Zachariah Chandler, Detroit Post and Tribune, 1880, History of the Republican Party by Wm. Livingstone, 1902, and numerous other works.

The writer also makes acknowledgment to Mr. Henry M. Utley, librarian of the Public Library of Detroit, for repeated favors and courtesies, and to Mrs. Mary C. Spencer, State Librarian, Lansing, for like favors; to the Adjutant General of Michigan, the Superintendent of Public Instruction, the Commissioner of Railroads, the Commissioner of the State Land office, and to Honorable Lawton J. Heamans for valuable information used in the compilation of the history.

Greater attention and elaboration has been given to the first half of the period, from 1835 to 1850, than to the later period, for the reason that the historical material for the former period is much more obscure and less accessible than for the latter.

It might have been expected that a fuller account would have been given of the part of Michigan in the Civil War, the greatest event in her history. To do even meagre justice to that subject would require several volumes like the present, and with no part of the history of the state are the people at large so familiar, and of no part are the materials so very abundant and so readily accessible.

The days of struggle, of trial, of temporary failure, but of ultimate success, the days from 1835 to 1850, have most appealed for appreciation and record; that period, already passed beyond the memory of living men, and fast fading into oblivion, the writer has sought to rescue from the obscurity of public documents and bring to knowledge and appreciation of the present and the coming generation.

BYRON M. CUTCHEON.

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# CHAPTER I

## The Intermediate Period

THE birth and baptism of a new member of the American family of republican commonwealths has become so common an occurrence, and we have become so accustomed to the spectacle that we have ceased to be impressed with the real importance and significance of the event.

And yet, in a certain very real sense, each new member of the family is truly a new Republic, complete in all its governmental functions and organizations, so far as its internal laws, policies, departments, tribunals, and interests are concerned, but conducting its relations with the outside world through the national government.

From the small beginnings of 1835, when the first state constitution was adopted, in the space of seventy years,—a common lifetime,—Michigan has grown to be one of the richest, most prosperous and most respected commonwealths of the American Union; with a diversity and amplitude of resources scarcely equalled by any of her sisters, and exceeding those of many of the principalities and some of the kingdoms of the old world.

As we have seen in the last volume, on January 26, 1837, Michigan was fully admitted to all the rights, privileges, powers, and immunities of a sovereign American state.

On the same day Lucius Lyon and John Norvell, her first senators, were admitted to their seats in the senate of the United States, and on the 27th Isaac E. Crary was sworn in as her first Representative in the House of Representatives. He had been elected by the people of Michigan on the first Monday of October, 1835, at the same time that the constitution had been ratified, and for almost sixteen months had been kept in waiting through the boundary controversy with Ohio. But for that it is probable that Michigan would have

been admitted to the Union early in the year 1836, as Arkansas was.

It was a singular position which Michigan occupied from November 1, 1835, to January 26, 1837. In October, 1835, as above stated, a constitution had been adopted, state officers and a legislature elected, and on November 1, the Legislature met in the first session, and Stevens T. Mason was duly inaugurated as first governor under the constitution. Henceforward until the date of her admission as a member of the Union, Michigan had two governments,—A territorial government, recognized by the President and Congress, and a complete State government, in the full exercise of all its functions, and almost unanimously recognized by *the people* of Michigan.

In a previous volume we have given the story of the long struggle,—from the congressional point of view,—of that great parliamentary contest as to whether Michigan could set up a state government without an enabling act of congress, first obtained, and, if so, with what boundaries she should be admitted.

From the Michigan point of view, she was already a sovereign American state, fully enabled under the act of Congress, known as the Ordinance of 1787, and only waiting the seating of her senators and representatives.

It is only necessary to say here that the Michigan view finally prevailed in everything except the matter of the southern boundary, and in that she had ample compensation.

The constitution adopted in October, 1835, was never thereafter in abeyance; the state government then chosen was never suspended; and the very Representative then elected, Isaac E. Crary, was, on January 27, 1837, qualified and seated in the House of Representatives; thus recognizing the validity of his election, and

regularity of the state government under which he was chosen. Therefore it would seem that in writing this history of Michigan as a State, we should take the Michigan view, and consider the "state" as created by the constitution of 1835, and the organization thereunder.

The Constitutional Convention had completed its labors and adjourned on June 24 previous, and the Constitution was already, doubtless before the President.

The events now to be recorded intervened between that date and the assembling and organizing of the State Legislature on November 1, 1835, and constitute the prelude to the organized and independent existence of the commonwealth. They will make clear the grounds for the superceding of Acting Governor Mason, the appointment and arrival of Acting Governor Horner of the Territory of Michigan, and the manner in which he vindicated the dignity and honor of the people over whom, for a brief period, he imagined that he presided.

An understanding of this intermediate period in which Michigan was a state, and yet not a state of or in the Union, is necessary to an appreciation of her subsequent career.

Under date of July 3, 1835, John Forsyth, Secretary of State, by order of President Jackson wrote to Governor Mason a lengthy communication, among other things saying:

"He (the President) has therefore instructed me earnestly to recommend to you that no obstruction shall be interposed to the re-marking of Harris' line; that all proceedings already begun under the act of the Legislative Council of Michigan of the 12th of February last, shall be immediately discontinued; that no prosecutions shall be commenced for any subsequent violations of that act until after the next session of Congress; and that all questions about the disputed jurisdiction shall be carefully avoided, and if occurring inevitably their discussion shall be postponed until the same period."

This was decidedly Jacksonian. It proposed to the Governor of Michigan that he nullify and hold for naught the deliberate enactment of the territorial legislature; that he should usurp the functions of the judiciary, and prevent the enforcement of the laws. To this proposition the young governor replied with more spirit, perhaps, than discretion, when it is considered, from the personal standpoint. Among other things, under date of July 11, 1835, he wrote to Secretary of State Forsyth as follows:

"It can scarcely be necessary at present to urge upon your consideration the difficulties and objections which occur to my mind forbidding the proposed compromise. In my letter to Messrs. Rush and Howard, I stated my reasons for then rejecting this proposition. It is before you. My views yet remain unaltered, and, I think, unalterable. I will, however, follow the precedent set by the governor of Ohio, and appeal to the wisdom of the legislature."

This from a youngster of twenty-three was certainly pretty stiff talk to "Old Hickory," who held in his hands the power of Mason's political life or death. In a subsequent letter to the secretary, under date of August 20, he writes:

"The general government may expect a serious collision, as this attempt to exercise jurisdiction will be resisted in Michigan. The consequences attending such a state of things are deeply to be regretted, but they must rest with those who might have prevented their occurrence."

The legislative council was convened. The proposed compromise was submitted to it. The council approved Governor Mason's rejection of the proposition. In a lengthy memorial the council declared "It is our duty to express our determination, and we have no doubt that such is the will of the people of Michigan, *to submit to no arrangement* by which the integrity of the limits of Michigan, by the act of 1805, is violated." The report was made by J. Duane Doty. The counterstroke,

STEVENS T. MASON

as might have been expected came quickly in the following:

Department of State,
Washington, August 29, 1835.

Sir:—The President having maturely considered your recent communication to the Legislative Council of Michigan, in connection with other proceedings upon your part, is brought with regret to the conclusion that your zeal for what you consider the rights of Michigan has overcome that spirit of moderation and forbearance which in the present irritated state of feeling prevailing in Ohio and Michigan is necessary to the preservation of the peace. He finds himself constrained, therefore, by his sense of duty to supercede you as Secretary of the Territory of Michigan, and has appointed Mr. Charles Shaler of Pennsylvania to be your successor."

JOHN FORSYTH.

Stevens T. Mason,
Detroit, Michigan.

This was followed by a second, as follows:

Department of State,
Washington, September 8, 1835.

Sir:—The accompanying letter from this department was intended to have been delivered by Mr. Shaler, who had been appointed to succeed you; but he having declined accepting, the President has appointed Mr. John S. Horner of Virginia to be Secretary of the Territory and he will take charge of this communication.

I have the honor to be, etc.,
JOHN FORSYTH.

Stevens T. Mason,
Detroit, Michigan Territory.

John S. Horner was, like Governor Mason, a young Virginian,—though considerably older than the latter. He was at once called to Washington, and the President in a personal interview explained to him his policy and his expectations of the new appointee, and to him was delivered the letter of instructions intended for Mr. Shaler, under date of August 29. In this letter occurs the following passage:

"He (the President) has believed from the beginning of the discussion that without further legislation on the part of congress, the country in dispute is to be considered as forming, legally, a

part of the territory of Michigan and the ordinary and usual jurisdiction over it should be exercised by Michigan," etc.

Mr. Horner was advised that "It is the President's desire that you should proceed without delay to Michigan and enter upon the duties of your office."

Having accepted his commission on the 8th or 9th of September (the communication is dated the 8th), we next hear from Mr. Horner at Detroit, under date of September 19, in the following letter to the Secretary of State.

Detroit, Saturday Night, September 19, 1835.

Sir:—I arrived at Cleveland, Ohio, late on Thursday night,, and early on Friday morning took passage on the boat "Michigan" for Detroit. My arrival here was unavoidably delayed until near eight o'clock by our running aground at the mouth of the river. Late that evening I called on Mr. Mason, to whom I delivered the communication from the Department.

On Monday morning next I contemplate taking charge of the territorial government, and should have insisted on it this evening had the emergency made it necessary. * * * I shall strive to effect the views of the government, and do so with as little excitement and on the best terms I can."

Mr. Horner seems to have come out to Michigan with the idea that he had just one duty to perform and that was "to effect the views of the government," that is, of the President, and he acted consistently upon this theory so long as he remained in Michigan.

Judging from his letters, which may be found in "Report 380," House of Representatives, 1st Session, 24th Congress, he was a nervous and somewhat "fussy" individual, no equal of Governor Mason in intellectual ability and power of expression, and very much given to emphasizing and italicizing in his letters and exceedingly anxious that President Jackson should note that he was entirely subservient to his wishes.

Under date of September 28, 1835, he writes to the Secretary of State thus:

"Sir:—On Monday morning last I entered on the duties of office. Government instructions have been carefully read, and on them that reflection bestowed which the importance of the object and the end to be obtained demand. There is to be seen within the Michigan Territory neither a military force nor an assemblage to obstruct her laws, nor is either anticipated *at the present time*"

"Pardons in all cases under the February act will be granted. I fear, however, it will be unsavory *to some extent I conscientiously* believe it should be done, and therefore *it shall*, in the mode least calculated to give offense. * * * Of the adoption of this constitution there seems but little doubt. A Governor is to be installed, a legislature to assemble on the first day of November next; Executive duties discharged by virtue of state authority; and it is fully anticipated strong measures taken to carry out *the letter* of the February act, etc.; in other words, the territorial government *superceded, entirely.*" * * * "I cannot but, *as at present* advised, look prospectively with deep and abiding interest and anxiety to *my duty* and the wishes of the Government in this behalf." (The italics are all Mr. Horner's).

Under date of October 3, 1835, he writes: "The pardoning power to be effectual must be exercised by plea before judgment in very many of the cases; and pardons are preparing accordingly."

Two days after the date of this letter, on Monday, October 5, the election was held under the constitution which ratified that instrument by popular vote, and elected a governor, lieutenant governor, representative in Congress, and a legislature of the State of Michigan; and the government of the Territory of Michigan, so far as the Michigan peninsula was concerned for all purposes except the power to pardon for offences against the territorial laws, was superceded by the state.

On October 19, 1835, two weeks before the new government was to go into operation, Secretary Horner made a long and almost agonizing report of his attempts to "effect the views of the Government." He writes as follows:

Sir:—Under the most disadvantageous and embarassing circumstances which anarchy could present, the wishes and instructions of the Government have been fulfilled and complied with. On

the 8th instant I was informed and had good cause to believe that *my presence* at Monroe was *indispensable* and on my arrival there every reason existed why I should have taken that course."

This letter and succeeding ones cast a remarkable light on the manner in which this willing instrument of "the Government" set about to "effect the views" of the President.

He says: The prosecuting attorney of Monroe county, James Q. Adams, was "intimidated by the mob of Monroe from acting in accordance with my request, *or even at all.*" * * * "He waited upon me and wanted to resign and I should have received his resignation with pleasure, but could get no other counsel to accept his place. Anticipating this to some extent, I placed pardons for offences under the February act in the hands of the only person engaged for some of the defendants, requesting him to move them before the court. After I had done so and the pardons were filed late last night, a bench warrant was issued to apprehend Benjamin Stickney for a violation of the February act, prosecutions then pending in court. This originated in a plan to carry out violent proceedings, not only against the people of the disputed territory, but to involve the Executive in personal difficulty. * * * I wrote a private note to Stickney, informing him that I should grant him a pardon, and therefore advised him against resistance to the process, which I knew to be the object desired by the Monroe party. * * * My condition was this: At Monroe, the seat of strife, amidst a wild and dangerous population, without any aid, a friend, servant, or bed to sleep in, in the midst of a mob excited by the enemies of the administration and *bad men,* I could not enlist a friend or an officer of the Territory.

The District Attorney had the effrontery and timidity to say that "if he acted, the mob would throw him and myself into the river."

And so on for some pages of lugubrious wail. But one other extract must be given because it introduces some very well-known names.

"This morning I received an insulting resignation of aids (John Norvell, ——— Winder, George B. Martin, Isaac Roland) of Ex-Governor Mason, I cannot say with what design, but would respectfully suggest that after the 1st day of November I should prefer having some other resources than are now in Michigan that the Territorial Government may in no contingency be superceded or abrogated in my hands."

This is a very plain though covert suggestion that

the President should send regular troops into Michigan to over-awe the state government and the people. It is hardly necessary to add that "the government" did not accept the suggestion.

After closing his letter he adds this postscript:

"P. S. There are no funds here within my control, and to discharge my duties I have exhausted my own pecuniary resources." *Memo.* The within letter I was compelled to obtain the aid of my clerk to throw together being quite unwell from fatigue and exposure, having returned last night amid a perpetual scene of excitement for the last ten days."

Again on October 26 he reports his experience at the Monroe and Lenawee Circuits. The latter was held at Tecumseh. After stating that he had urged the prosecuting attorney to "enter nolle prosequis" he adds: "All my advice and even persuasions were entirely lost."

"No counsellor in Michigan would accept the office in either court, for the obvious reason that every man is looking forward to office under the new government on the 1st day of November next." (Report No. 380, p. 127, House of Representatives 24th Congress.)

Did ever an American governor, before or since, paint such a picture of the people over whose interests he was sent to preside?

Under date of November 7, 1835, Mr. Horner reports as follows:

"I have the pleasure of forwarding the enclosed communication from the commissioners of Ohio to mark and survey the "Harris line."

"The above, with the discharge of other duties heretofore reported, consummates the wishes of the government as expressed in the various communications filed in the office of my predecessor, to which reference was made in my letter of appointment.

The action of the proposed State Government will be confined at least until the session of Congress within its legitimate sphere, though I have had *my reasons* to apprehend other more disagreeable and even embarrassing results. The legislature have to-day

decided to go no further than the election of their Senator. I have the honor to be,

Your obedient humble servant,

JOHN S. HORNER,
Acting Governor of Michigan.

Hon. John Forsyth,
Secretary of State.

Here follows the report of the Ohio commissioners and a copy of the long letter of Governor Lucas to the Secretary of State, which concludes the report No. 380, made March 2, 1836, on the message of the President transmitting the constitution of Michigan. Also the message of the President to Congress of December 9, 1835, with documents relative to the northern boundary of Ohio.

In these two documents, No. 6, 1st session, 24th congress, and 380, same session, will be found the major part of the correspondence of Acting Governor Mason and Acting Governor Horner, relative to the Michigan-Ohio boundary.

Whatever may be true in regard to his more formal messages to the legislature, there can be no doubt that these letters of Governor Mason, written often in haste, and on the spur of the moment are his own, in substance and in form, in thought and expression. The tone of the letters is dignified and manly; and they exhibit a degree of resolution, firmness, and independence certainly not to be expected in a youth who had just attained his majority.

On the other hand, the letters of Acting Governor Horner exhibit the opposite qualities of absolute subjection to the will of the President, which made him not a real governor, but a mere instrument to "effect the wishes of the government," which will fully explain the general rejoicing of the people of the state when, in May, 1836, he was transferred to Wisconsin and disappeared from their view forever.

# CHAPTER II

## The Constitution of 1835

THE foundation of any American State is its Constitution. It is the mould into which the institutions of the state are to be cast to be shaped and fashioned, and which indicates not only what the social and political conditions and opinions of the people then are, but to a vast extent determine what in the developments of the future, they are to be in the formative and most important period of the history of the state.

Hence, at the very threshold of the story of "Michigan as a State" we must understand what sort of a fundamental law these people had framed for themselves. In a previous volume, in tracing the evolution of the state from the territory, we briefly considered the character of the convention which framed it, and some of the most salient features of the Constitution itself. But it is due that now we should record more fully the outlines of this organic law which the people of Michigan had imposed upon themselves.

Michigan, as to its population, was a highly composite state. Until the War of 1812 the old French element remained the predominant and in fact almost the only factor. In the Pioneer and Historical Collections of Michigan, Volume 8, page 530, will be found the tax list of Detroit and adjacent localities. (Hamtrameck District, Sargent township) for the year 1802, embracing several hundred names, and fully ninety-five per cent. of them are distinctively French.

In the poll list of the election held January 1799, (same volume p. 509) the percentage is nearly as great except in the list of electors voting for Oliver Wiswell, where a considerable number of Scotch and Irish and a few English names appear as a reminder of the third of a century of British occupation. But since the open-

ing to settlement of the public lands in 1819, the tide of immigration had been setting principally from New England and New York, with a small contingent from Ohio and Kentucky.

While the French element was diminishing by removals and deaths, the American strain was rapidly increasing with the flood of immigration, so that of the eighty-nine names which we find signed to the Constitution of 1835, not more than three can be classed as distinctly French.

With the passing of the fur trade to other and more remote fields, the French voyageur and "wood-ranger" and to a considerable extent the trader also, moved on to the yet unsettled wilderness, especially to Canada where they could continue the old life and enjoy the freedom, abandon, and conviviality of the frontier.

Michigan was getting too civilized for them. But others of the French element were swept into the current of the new life, became imbued with the American spirit, and settled down in the spot of their nativity, and became, and their descendants to this day remain, among the most valuable citizens of Detroit and vicinity. But they did not move into the interior but were limited mostly to their original settlements along the Detroit river and the county of Monroe.

But neither the French nor the English left any perceptible trace of their ideas in the constitution. That instrument is distinctly *American,* and preponderatingly New England in its provisions.

The Convention assembled at the Capitol in the city of Detroit on the 11th day of May, 1835, and adjourned on June 24.

The framers of the Constitution had before them not only the Constitutions of all the original states, but also

of the three states already organized out of the Northwest Territory,—Ohio, Indiana, and Illinois.

The Constitution consisted of thirteen articles and a schedule, the latter intended to bridge over the passage from the territorial to the independent condition of statehood. In accordance with the usual custom, the Constitution opens with a "bill of rights" embraced in twenty-one paragraphs. The framers seem to have collected what they considered most valuable from the Federal and state constitutions.

## ARTICLE I

They start with the postulate "All political power is inherent in the people." This is the firm corner stone of the structure.

2. Government is instituted for the benefit of the people.

3. No one is entitled to exclusive privileges.

4. Freedom of worship declared. No person to be taxed to support any teacher of religion.

5. No public money to be applied for benefit of religious societies.

6. Civil rights not to be affected by religious opinions.

7. Freedom of speech and press guaranteed.

8. Provides against unreasonable searches and seizures.

9. Trial by jury to remain inviolate.

10. Accused persons guaranteed the right of a speedy trial by jury to be confronted by the witnesses against them; to have process and counsel.

11. Not to be held to answer for criminal offense except on presentation of Grand Jury.

12. Not to be put twice in jeopardy for same offense.

13. Every person has the right to bear arms.

14. Military to be subordinate to the civil power.

15. Soldiers not to be quartered in any house in time of peace without the consent of the owner.

16. Defines treason against the state.—Conviction only on the testimony of two witnesses to the same overt act.

17. No bill of attainer ex-post facto law or law impairing the obligations of contracts to be passed.

18. Excessive bail not to be required, or excessive fines imposed.

19. The property of no person to be taken for public use except on just compensation.

20. The right of free assembly and petition and instruction provided.

21. All acts of the legislature contrary to this article void.

## ARTICLE II—ELECTORS.

1. Every free, white male inhabitant resident in the state at the time of the signing this constitution shall have the right of voting.
2. Votes to be by ballot, except for township officers, when directed by law to be otherwise chosen.
3. Electors privileged from arrest, with exceptions.
4. Electors not liable to military duty on election days except in time of war or public danger.
5. No person deemed to have lost his residence while absent from the state on business or the United States.
6. Soldiers, etc., not to gain residence by being stationed in any military or naval place within the state.

## ARTICLE III—DIVISION OF POWERS OF GOVERNMENT.

The usual division into Legislative, Executive and Judicial.

## ARTICLE IV—LEGISLATIVE

Provides for Senate and House of Representatives. Representatives to be not less than forty-eight nor more than one hundred; Senators to equal in number one-third of the House; Legislature to provide for a census in the year 1837, 1845, and each ten years thereafter, and after each enumeration the Senators and Representatives to be reapportioned. Representatives to be chosen annually. Senators to be chosen for two years, to be divided into two equal classes, one-half to be elected each year; State to be divided into senatorial districts.

Senators and Representatives to be citizens of the United States and qualified electors in their counties and districts.

Persons holding office under United States or this state ineligible to either House of the Legislature, to be privileged from arrest, as usual, and exempt from process. A majority to constitute a quorum. Each House to determine its own rules and qualifications of its members, to keep journal of proceedings; votes to be given *viva voca.*

Sessions to be open; any bill may originate in either house; bills to be presented to the Governor for his approval, who may sign or return with reasons for not signing.

Joint and concurrent resolutions to be presented to the Governor.

Compensation of members to be fixed by law, not to be increased during term of members, and not to exceed three dollars per day. No member to receive appointment during his term of office. Writs shall issue to fill vacancies in either house; legislature to meet on the first Monday in January each year.

Style of laws to be "Be it enacted by the Senate and House of Representatives of the State of Michigan."

## ARTICLE V—EXECUTIVE DEPARTMENT

There is nothing in this article calling for special notice. The main features may be summarized.

Governor and Lieutenant Governor to hold office two years, to be five years a citizen of the United States and two years a resident of this state; persons having the highest number of votes to be elected. In case of equal number of votes Legislature to elect; the Governor to be commander-in-chief of militia; shall take care that the laws be faithfully executed; may convene the Legislature on occasion; may adjourn in case of disagreement of the two Houses; may grant reprieves and pardons; may fill vacancies during recess of senate.

In case of death or disability of Governor, the Lieutenant Governor shall discharge his duties; and in case of like disability of the latter, the President *protem* of the Senate shall act as Governor. The Lieutenant Governor shall be president of the Senate; no member of Congress or person holding office under the state or the United States shall execute the office of Governor.

## ARTICLE VI—JUDICIAL DEPARTMENT.

Judicial power is vested in Supreme Court and such other courts as the Legislature may establish.

Judges to hold office for seven years.

Probate court to be established in each organized county.

Supreme Court Judges to be nominated by Governor and appointed with the advice and consent of the senate.

County and Probate Judges to be elected by the electors of the county.

Four Justices of the Peace may be elected in each organized township for a term of four years.

The style of Process shall be "In the name of the PEOPLE of the State of Michigan."

## ARTICLE VII—CERTAIN STATE AND COUNTY OFFICERS.

Article VII provides for the appointment of a Secretary of State, an Auditor General, and an Attorney General; also a Prosecuting Attorney for each organized county, all to be appointed by the Governor by and with the advice and consent of the Senate; a State Treasurer to be appointed by joint vote of the two Houses of the Legislature, and Sheriffs, Coroners, Treasurers, Register of Deeds, and Surveyors to be chosen by the electors of the several counties.

## ARTICLE VIII

Relates to impeachments and removals from office and presents the usual features. The House to impeach; the Senate to try the impeachment.

For any reasonable cause, not sufficient cause for impeachment, the Governor may remove judges, on the address of two-thirds of each branch of the Legislature, stating at length the causes for removal.

## ARTICLE IX—MILITIA.

The officers of the militia to be elected or appointed in such manner as the Legislature may direct but the Governor to commission. The Governor is given power to call forth the militia to execute the laws, to suppress insurrections, and repel invasions.

## ARTICLE X—EDUCATION.

This is, perhaps the most distinctive and characteristic article in the Constitution. It provides, first, for a State Superintendent of Public Instruction, to be nominated by the Governor, and appointed by and with the advice of the *two Houses* in joint vote.

*Second.* The Legislature shall encourage by all suitable means "the promotion of intellectual, scientific, and agricultural improvement," and the proceeds of all lands granted or to be granted shall be *"inviolably"* appropriated to the support of schools throughout the state.

*Third* The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each school district for at least three months in every year.

*Fourth.* Libraries to be established in every township, to be supported by the proceeds of fines and penalties.

*Fifth.* Provides for the care, protection, and disposition of the University lands, granted by the United States.

## ARTICLE XI—SLAVERY.

Neither slavery nor involuntary servitude shall ever be introduced into this state, except in the punishment of crimes of which the the party shall have been convicted.

## ARTICLE XII—MISCELLANEOUS.

Prescribes official oaths. No act of incorporation shall pass except by two-thirds vote of each house; internal improvements shall be encouraged; legislature to provide by law for ascertaining the proper objects of improvement; money to be drawn from treasury only on appropriation made by law; divorces not to be granted by the legislature; no lottery to be authorized by the state; counties not to be reduced in area to less than four hundred square miles; the Governor, Secretary of State, Treasurer, and Auditor General are required to keep their offices at the seat of government, which shall be at Detroit or other place prescribed by law until 1847, when "it shall be permanently located by the Legislature." The first Governor and Lieutenant Governor to hold office until Janu-

ary 1, 1838, thereafter they shall hold office for two years; vacancies shall be filled for the remainder of the unexpired term.

## ARTICLE XIII—AMENDMENTS.

Amendments shall be proposed in either House, and if agreed to by a majority of members elect, shall be entered in the journals with yeas and nays, and be referred to the next Legislature, and if such amendments be agreed to by two-thirds of all the members elect to each house of that Legislature they shall be submitted to the people, and if ratified by a majority of qualified voters, they shall become a part of the constitution; or, for a general revision, two-thirds of each house may submit the question of a convention to the electors at the next election for members of the Legislature, and if a majority of the electors shall vote for such convention, the Legislature shall provide for calling and holding such convention.

## SCHEDULE.

To this constitution is annexed a "SCHEDULE" providing that all actions, writs, prosecutions, contracts, etc., etc., shall continue as if no change had taken place in the government; all laws of the *Territory*, not repugnant to this constitution, shall remain in force until they expire or are repealed by the Legislature; all fines, penalties, etc., accruing to the Territory shall accrue to the State; all officers, civil and military, now holding their offices in the Territory, under the authority of the Territory or the United States, shall continue to hold such offices until superceded under the constitution.

The first election for Governor, Lieutenant Governor, State Legislature and Representative in Congress shall be held on the first Monday in October next. The first meeting of the Legislature shall be at the city of Detroit on the first Monday of November next. All county and township officers shall continue to hold their respective offices, etc.

This constitution shall be submitted at the election to be held on the first Monday of October next and the succeeding day, etc. If the constitution be ratified, the president of the convention shall cause a copy thereof, together with a copy of the enabling act of the Territorial Council and of the census to be forwarded to the President of the United States, to be laid before Congress at its next session. In case of death or failure of the president of the convention, this duty to be performed by the secretary.

Section 12 of the Schedule apportions and divides the state into districts for the election of Representatives and Senators.

Done in Convention at the city of Detroit on the 24th day of June, 1835.

(Signed) JOHN BIDDLE, President,

and by eighty-nine members of the convention.

Accompaning the constitution was a document termed by the convention "An Ordinance," but why called an ordinance does not appear. It is rather a memorial to congress, asking the grant of certain lands for specified uses, as follows:

1. For the use of schools, every section sixteen or its equivalent.
2. For support of the university, seventy-two sections, and such further quantities as may be agreed on.
3. For establishing a seat of government, four entire sections.
4. For internal improvements, seven hundred sections.
5. All salt springs within the state and the land reserved for same, at least one section including each spring.
6. The roads commenced within the state by appropriations of Congress to be completed and put in repair at the expense of the United States.
7. The first senators and representatives are empowered to make or assent to such other propositions as the interests of the state may require.

This "Ordinance" is certified by John Biddle, President, and Charles W. Whipple, and Marshall J. Bacon, secretaries.

In considering this constitution it must be said, first of all, that it is thoroughly conservative. It makes no radical new departure from the established type of American constitution. It is brief, clear, and simple, unincumbered with needless details of legislation.

In the next place it is in the highest degree democratic. It is emphatically a constitution for the people.

It is decentralizing and individualistic.

The "Bill of Rights" is extremely full and comprehensive, and guards the rights of the individual with uncommon care. The two features of the constitution which excited the most debate in Congress were the preamble and the suffrage clause.

The preamble was a direct slap at Congress for having failed to pass an enabling act and an attempt was made to strike it out before the constitution was approved by that body. It was one of the main objects of attack during the great debate on the admission of the state.

The next striking feature which was the object of attack was the clause which admitted to the franchise as electors "every white male inhabitant of the age aforesaid who may be a resident of the state at the time of the signing of this constitution." These electors were not required to be citizens of the United States nor even citizens of the State of Michigan, but only residents. John C. Calhoun, especially, attacked this clause with great animosity, or at least he made it the pretext for opposing the entire constitution and the admission of the state.

But perhaps the most marked characteristic of this constitution was its thorough devotion to the cause of Education, from the primary school to the university.

The subject of education, which constitutes Article X of the constitution had been committed in the convention to a committee of which General Isaac E. Crary of Marshall was chairman. We have spoken of this gentleman and his friendship for Reverend John D. Pierce, the first superintendent of public instruction, in a previous volume.*

Mr. Pierce himself has given the following account of how this Article of the constitution came to be inserted. (See Michigan Pioneer Collection, Volume 1, p. 38.)

"It was at this period that the Michigan school system had its inception and origin. General Isaac E. Crary, a graduate of an eastern college, and a warm friend of education, was, for a year or two, an inmate of my house. The condition and prospects of our new state were often the subject of discussion, and especially of schools of various grades from the highest to the lowest. . . . . Sitting one pleasant afternoon, on a log on a hill north of where the Court House at Marshall now stands, General Crary and myself discussed for a long time the fundamental principles which were deemed important for the convention to adopt in laying the foundation for our state. The subject of education was a theme of especial interest. It was agreed that, if possible, it should be made a distinct branch

*See Volume 2, Chapter XXIII.

of the government, and that the constitution ought to provide for an officer who should have the whole matter in charge, and then keep its importance perpetually before the public mind."

"That gentleman went to the convention and was appointed chairman of the Committee on Education, drew up an article on that subject, reported the same to the convention. It was adopted, and became the law of the land."*

It is confidently believed that no article of the constitution has exercised so great influence upon the development of the state or added so much to its prestige and fame outside of the state as the article on education. It has led to the maturing and perfecting of a system of schools, reaching from the lowest primary grades to the highest university courses and post-graduate professional schools, exhibiting an entire unity of structure, and offering a complete education to the poorest child in the state. We will have occasion to speak of this again in connection with the history of the University in a later chapter.

In the article prohibiting slavery there is a noticeable difference between the language of the constitution and that of the Ordinance of 1787. The latter declares "there Shall Be neither slavery nor involuntary servitude in the said Territory," etc.

The constitution provides that "neither slavery nor involuntary servitude shall *ever be introduced,*" etc.

Of course the constitution speaks from its date, and forbids its introduction from that time. This may have been in deference to the decision of the Territorial Supreme Court that certain slaves held as such during French and English occupancy prior to 1796, might be lawfully held in Michigan.

Whatever the reason of the difference, the distinction is clear, but it could hardly be considered important, as it is questionable whether at that date any slaves were held in Michigan. In the census return of 1827, from

*See also life of John D. Pierce (Ypsilanti, 1905) p. 80-81.

Detroit no slaves whatever appear, though tradition has come down that there were a very few as late as 1830.

The "Schedule" was devoted almost entirely to obviating any friction between the territorial and state governments and it was so successful that almost the only inconvenience was that experienced by Acting Governor Horner, as recorded in the former chapter.

Looking at this constitution as an entirety, we might say that it was almost a model, when all the circumstances are taken into consideration.

The troubles afterward experienced in regard to the encouragement of internal improvements arose rather from the mode and plan adopted than from the brief provision of the constitution.

# CHAPTER III

## The First Legislature

THE first legislature of Michigan under the State Constitution convened at Detroit November 2, 1835. The existence of the state had not yet been recognized by Congress, but the people of Michigan claimed to be a state by virtue of the Ordinance of 1787, and maintained that no other enabling act was necessary.

Their claim was that they were a state awaiting admission; that the territorial condition had been superceded, and they proposed henceforth to take their destiny in their own hands.

At the opening of the legislature the respective counties were represented as follows in the popular branch:

Cass 2. St. Joseph 2. Berrien 1. Wayne 8. Oakland 6. Macomb 3. Lapeer 1. Saginaw 1. Ottawa, Kent, Ionia, and Clinton 1. Calhoun 1. Branch 1. Kalamazoo 2. (House Journal p. 3.)

On November 3, the vote for governor and lieutenant governor was canvassed, and Stevens T. Mason declared duly elected governor, and Edward Mundy lieutenant governor, and thereupon the governor and lieutenant governor were conducted to the presence of the joint convention, and having taken the oath of office, the governor delivered his inaugural address.

After an exordium expressive of his gratitude, and of distrust of his abilities, the governor continued:

"Authorized by the Ordinance which gave them territorial being to form a state, with limits defined by that ordinance and by other laws, they have performed the act which renders them sovereign and independent in relation to all reserved rights and authorities of an American state." . . . I am not aware that the Constitution of itself immediately supercedes any officer of federal appointment except governor and secretary of the territory. . . .

He concludes with this solemn appeal:

"It remains, fellow citizens, that, faithful to ourselves and to our own rights and liberties, we fervently supplicate that Divine Being who holds in his hands the chain of events and the destiny of States to enlighten our minds, guide our councils, and prosper our measures, so that whatever we may do may result in the welfare and tranquility of the people of Michigan, and shall secure to us the friendship and approbation of the nation."

By the 7th the two houses had completed their organization by the adoption of rules and appointment of standing committees.

On the 10th the Judiciary Committee of the House reported "that it is inexpedient at this time to Legislate upon any of the matters referred" to that committee.

On the same day the two houses proceeded to vote for United States Senators. Lucius Lyon received a majority in both houses. In joint assembly Lucius Lyon was declared duly elected. For second Senator, John Norvell received thirty-five votes and John Biddle twenty-eight votes.

It became evident that it was the opinion of the legislature that it was inexpedient to enter upon general legislation, but only take such steps as were necessary to complete the state organization and keep it in operation.

A resolution expressing regret for the disrespectful treatment of Secretary Horner of the Territory of Michigan was summarily and indefinitely postponed.

The committee on education was authorized to correspond with such individuals as they might deem proper during the adjournment of the legislature and report at as early a day as possible a law to regulate common schools.

On November 13, John S. Barry was chosen president *pro-tem* of the Senate.

Numerous resolutions were adopted, asking Congress for appropriations for roads and the improvements of rivers, especially the St. Joseph and the Kalamazoo.

On November 14, the governor approved "an act to

provide for the adjournment of both houses of legislature and for the meeting of the legislature in 1836," and on the same day the legislature adjourned to February 1, 1836, having enacted laws to the following effect: An act to provide for the payment of the salary of the governor; an act to provide for the payment of certain sums into the treasury; an act making appropriations for the year 1835; an act to authorize a loan; an act to provide for the payment of the officers of the legislature.

Just before adjournment, Alexander H. McKinstry was appointed fiscal agent of the legislature.

It will be seen that the legislature avoided all possible occasion for collision with the federal officials. The only collision was between Governor Mason, the choice of the people, and Secretary Horner, the appointee of the President. The latter was recognized by the authorities at Washington, and conducted the correspondence with the Secretary of State, while all the people and officials of the state recognized Governor Mason. Acting Governor Horner's principal executive business, as shown by his letters in chapter I, was the pardoning of offenders connected with running the Ohio boundary. In the early spring of 1836, the President seems to have concluded that Michigan was able to provide its own executive, and relieved the double-headed situation.

Without any unnecessary defiance of Congress or the President, the state went on its chosen way, and on February 1, 1836, pursuant to adjournment, the legislature reassembled; and on the same day the governor delivered his message to the two houses in joint assembly. The message, which was long, was devoted mainly to a discussion of the relation of the state to the Union. The document is a historic one as the first regular message of a governor of the state.

Only a few passages can be quoted. He said:

"The position which Michigan now occupies with the nation is a peculiar though not a new one in the history of our government. It is that of a people claiming and exercising all the reserved rights and privileges of an American State, and yet excluded from the bonds of the Union."

He recites in detail the history of the forming of the constitution, and the organization of the state government, and discusses the provision of the Ordinance of 1787 in regard to the organization of new states. He shows that by the act of 1805 Michigan became entitled to all the benefits of that ordinance. He refers to the case of Tennessee, which organized a state government without an enabling act of Congress, and the conditional admission of Missouri, as analogous cases. "That we cannot again be subject to a territorial condition is my firm and deliberate conviction." He then submits to the legislature the question whether they will then proceed to perfect the state government, or await the further act of Congress. Should they decide to proceed, he makes recommendations of subjects of state interest. He invokes liberal legislation in the matter of internal improvement; he refers to the constitutional provision on the subject, and recommends the appointment of a state engineer and a board of commissioners; suggests that the attention of Congress be called to the plan of building one or more railroads or canals across the state; he gives information of the state of the treasury; recommends a conservative fiscal policy; he considers the subject of education and a system of schools, at length.

A brief extract will show his interest in and his strong inclination toward universal education. He said:—"It becomes your imperious duty to secure to the state a general diffusion of knowledge. This can in no wise be

so certainly effected as by the perfect organization of a uniform and liberal system of common schools."

He then discusses the University and University lands. "Under the act of Congress of January 20, 1826, seventy-two sections of land were reserved for the use and support of the University of Michigan." He states that forty-nine sections have been located, and he recommends that the remainder be located, and predicts that the University will become "an ornament and honor to the West." He then takes up the organization of the judiciary and the simplification of judicial proceedings and the revision of the laws.

"Few men can now determine" he says, "by what mysterious rules his rights are determined." He recommends an improved and regular penitentiary, and points out the evils of "confining the old and the young, the novice and the hardened criminal where they are mingled together. The jails become the school of vice."

He refers to the approaching presidential election and recommends the election of presidential electors. He mentions the various modes of choosing them, and thinks that "the great body of the people will best represent their own will."

He next dwells upon the importance of guarding corporation franchises, and in that connection discusses banking. "Bank notes are but the representatives of gold and silver, and derive their value from that basis. Excessive issues of notes are likely to engender overtrading in the community, drive the metallic basis from the country, and are apt in the sudden emergencies of the money market to be attended with consequences disastrous to the public."

He recommends the extinction of the remaining Indian titles in the state, and the removal of the Indians.

He closes with a reference to the slavery agitation

and quotes the saying that "a government held together by the bands of reason alone, requires much compromise of opinion."

When we remember that Governor Mason was at this time (February, 1836) not yet twenty-four years old, we must agree, (if indeed this message was of his own production) with Judge Campbell that "his abilities were much beyond his years."

He wisely left to the legislature the decision of whether they would then enter upon general legislation, or only do the absolutely necessary acts to preserve the state government, and adjourn to await the further action of Congress.

On February 6, the committee reported the approximate cost of "carrying into effect the laws relating to the southern boundary of their state" at $19,341.05. This included the pay of 1,200 men in service at $8 per month, $9,600. This was the cost of the "Toledo War."

On February 9, the House adopted a report on the matter of the admission of Michigan into the Union as a state. This report declared:

"The temporary control of Congress has ceased. A permanent government has been established upon republican principles. The Legislature has convened in obedience to the constitution. . . . In any contingency, at all hazards the state should be prepared to maintain by all lawful means the integrity of her southern boundary, and to pursue that course temperately but firmly, which has hitherto distinguished its measures."

*Resolved* that the Legislature will proceed at its present session to pass all laws required by the interests of the people, and to secure to them the right guaranteed to them by the Ordinance and the Constitution of their adoption."

On February 10, John Biddle, President of the Constitutional Convention, communicated to the Legislature the vote on the adoption of that instrument. The report showed 6,299 for adoption and 1,359 against.

February 18, the governor approved the bill for ad-

judicating the disputed boundary between Michigan and Indiana, by amicable suit in the Supreme Court.

February 21, the act of fixing salaries of state officers were approved. (H. J. 146).

March 1, Resolution in regard to location of University lands was approved.

March 4, An act in regard to the location of county seats was approved.

On March 8, the important act for preparing and digesting a code of laws was approved. The chief justice of the state was entrusted with this work. (H. J. 197).

On the same day the act organizing the county of Genesee became a law.

On March 14 the governor announced his approval of an act to provide for the election of certain county and township officers. (H. J. 214).

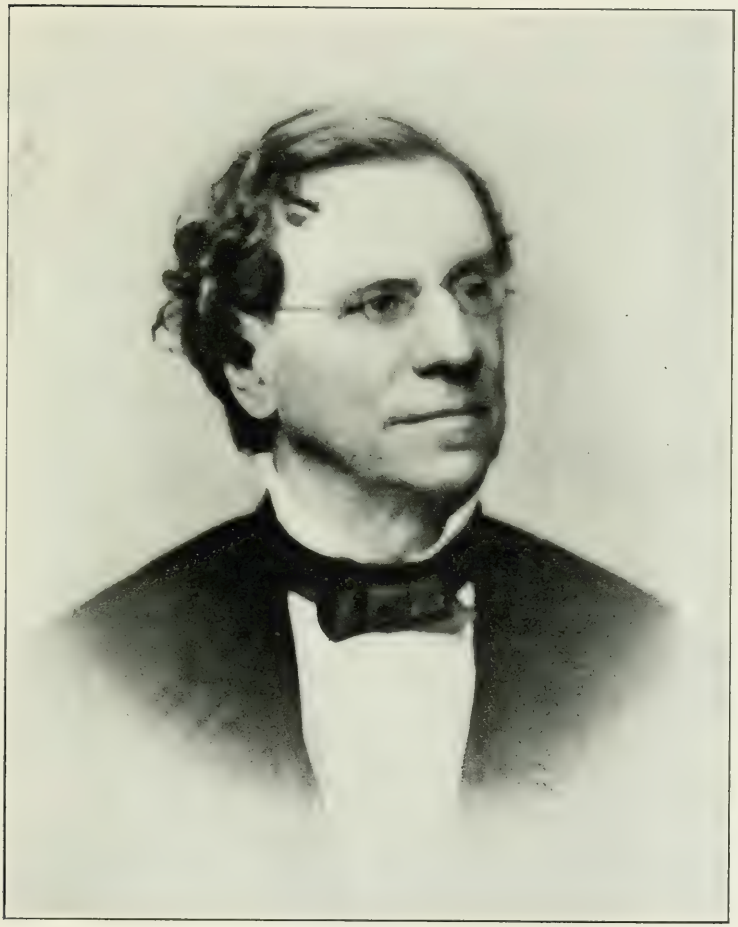
Among the measures which became law in the closing days of the session were an act to provide for the election of electors of president and vice president; an act to provide for the election of members of the legislature in the year 1836, and to create a board of canvassers; acts incorporating several railroad companies; and an act appointing commissioners to lay out and establish certain state roads; an act to organize the Supreme Court and establish Circuit Courts; to organize numerous townships, to establish a Court of Chancery, and many local acts of various kinds.

Among the railroad companies incorporated in the closing days of the session were the Raisin River and Lake Erie Railroad company; the St. Clair and Romeo railroad company; the Shelby and Belle River railroad company; the Kalamazoo and Lake Michigan railroad company; the Monroe and Ypsilanti railroad company; the Monroe and Ann Arbor railroad company; the

Erie and Kalamazoo railroad company; the Palmyra and Jacksonburg railroad company; and the Clinton and Adrian railroad company. Many of these railroads will be new to people of the present generation, but the names will assist in conveying some idea of the fever and ferment which then prevailed in the matter of the immediate development of the young state.

That there might be no lack of fiscal facilities for carrying on these works the following banks were incorporated, among others:—The Manhattan Bank, the Bank of Clinton, the Oakland County Bank, the Bank of Ypsilanti, the Bank of St. Clair, and the Calhoun County Bank. Robert McClelland of Monroe was appointed bank commissioner. Many villages were incorporated and a very large number of townships organized. Genesee, Kent, and Livingston counties were organized, a number of counties were authorized to borrow money for county purposes, county seat contests were settled or put in the way of settlement in Lenawee, Branch, Van Buren, Clinton, and Shiawasse counties; a number of canals and state roads were authorized, and dams upon nearly all the principal rivers of the state. Notwithstanding the great number of acts passed, a larger number were left unfinished when, on March 28, 1836, the first regular session of the first Michigan legislature adjourned, *sine die*.

One cannot turn the pages of the first proceedings of the first legislature without receiving a very striking impression of the men who made Michigan a state. They were strong, vigorous, confident men. They had overcome much, and they believed they were equal to overcoming more. They had made a constitution and set a state in operation, and they were now planning to bring it out of the wilderness in a day, so far at least as legislative enactment could do it.



ROBERT McCLELLAND

But this was destined not to be the last of this legislature.

On July 11, they met at the summons of the governor to provide for a convention to take action on the condition imposed by Congress on the admission of Michigan into the Union.

It will be remembered that the admission of Michigan was conditioned upon her assent to the change in her boundaries, as proposed by the act of Congress, and this assent was required to be given by a convention of delegates chosen for that express purpose. The two houses being convened, Governor Mason communicated to them his message in part as follows:

"By virtue of the authority conferred by the Constitution I have convened you at this time for the purpose of receiving the decision of the Congress of the United States on the application made by our senators and representative for the admission of the State of Michigan as a member of the Federal Union. . . . The result of their deliberations has been the passage of a law ratifying and confirming the constitution and state government formed for themselves by the people of Michigan, and admitting the state thus formed into the Union upon certain conditions therein expressed."

By the second section of the act providing for the admission of the state into the Union it is ordained "that the constitution and the government which the people of Michigan have formed for themselves, be and the same is hereby accepted, ratified and confirmed.

And that the said State of Michigan shall be, and is hereby admitted into the Union upon an equal footing with the original states in all respects whatsoever, PROVIDED always that their admission is upon the express *condition* that the said state shall consist of and have jurisdiction over the territory included within the boundaries prescribed by Congress and none other."

After arguing with great clearness and force that Congress had recognized Michigan as a state and had accepted its state government, but had left it a state *outside* of the Union, he says:

"Our duty at present, fellow citizens, is a limited one. In our official capacities we have no concern with acceptance or rejection of the conditions annexed to the terms of our admission. They have not been submitted by Congress for our action. All we can do is to pass the necessary laws required for sending them to our

fellow citizens for their decision. . . . I find it difficult, fellow citizens, to suppress the feelings which are naturally excited upon this occasion or to allude to this dismemberment of our territory in that respectful language which is, perhaps, due to those at whose hands it has been effected.

I feel as every citizen must feel that the decision of Congress has been made in violation of every principle of justice, and that to censure where it is due is the prerogative of the people; that the result of their labors is but the triumph of might over right, based upon considerations of temporary expediency."

After a clear presentation of the manner in which the Congress had evaded the right and power of Michigan to appeal to the Supreme Court as the constitutionality of their action, thus converting the question from a judicial into a political one, and after calling attention to the gravity of any attempted resistance by force to its action, he continues:

"Our duty then, fellow citizens, is to refer the subject to the only tribunal competent to determine it. That tribunal is the people. Their decision it is our duty to abide. So far as I may be called upon to bear an humble part in carrying into full effect their decision, I can only say that I will pursue their will, disregarding all other considerations. . . . I am content to submit the result to their action, and with an humble confidence in the Supreme Ruler of the Universe, I implore Him to guide us to those measures which will lead to our lasting prosperity and happiness and promote the permanent welfare of the Union."

(Signed) STEVENS T. MASON.

In this message are revealed the qualities of Governor Mason which rendered him popular with the people, and made him a second time chief magistrate of the commonwealth. His youth, his frankness, his courage, his devotion to the cause of Michigan as he saw it, all appealed strongly to the love and loyalty of the people, and made him impregnable in their confidence, until he became entangled and crippled in the meshes of an inevitable industrial reaction and financial confusion. The boundary war made him strong, but the "Five million loan," "wild-cat banking," and universal panic proved his undoing.

On July 12 the governor communicated to the legislature the propositions of Congress in regard to sundry grants of land, with recommendations that the same be accepted. The proposals substantially acceded to the "Ordinance" appended to the constitution of 1835, except in the matter of 500,000 acres for internal improvements.

It granted every section sixteen for the support of common schools, seventy-two sections for the university, five entire sections for public buildings, all salt springs and twelve sections adjacent; but the state not to sell the salt spring lands or lease for a longer term than ten years. Also five per cent. of the net proceeds of all sales of public lands lying within the state.

But all this was upon the *proviso*. 1. That the state should not interfere with the primary disposal of the public lands. 2. Nor with the regulations of Congress for securing title to purchasers, nor, 3. Should it levy any tax on the lands of the United States, nor, 4. Tax the lands of non-residents higher than the lands of residents, nor, 5. Should it tax military bounty lands for service in the late war, so long as held by original patentees or their heirs, for three years.

The legislature promptly passed an "ordinance" accepting the propositions of Congress, and agreeing to all the terms of the *proviso,* which ordinance was approved by the governor July 25, 1836.

But the legislature renewed its appeal to Congress for 500,000 acres of public lands for "internal improvements"—meaning canals and railroads. They also, at the same time, memorialized Congress to construct a road from Ontonagon to the Menominee river, and thence to the Sault Ste Marie, and that all territorial roads be completed and put in repair by the United States. These requests were not immediately complied

with, but the 500,000 acres of internal improvement lands were ultimately granted, six years later.

On the second day of the session the State Treasurer, Henry Howard, reported the sum of $57,154.55 in the treasury on July 6.

After a long and most strenuous contest an act was finally passed for submitting the question of assent to the act of Congress in regard to boundaries to a convention of delegates to be elected by the people for that sole purpose. A vigorous and persistent effort was made to have the question of assent submitted to a direct vote of the people at large; but as that would not have complied with the act of Congress, that feature was ultimately eliminated. The act was approved July 25, 1836.

On the last day of the session, July 26, the governor nominated Reverend John D. Pierce of Calhoun county for Superintendent of Public Instruction, and he was unanimously confirmed by the joint convention of the two houses, and his salary fixed at the sum of $500 per year, payable quarterly.

When we consider that the superintendent was forbidden by law to hold any other office or follow any other profession, the salary does not seem excessive, especially as he had charge of almost a million acres of school and university lands. The days of Life Insurance Company salaries were still some way in the future.

The salaries of other state officers were also fixed as follows: Secretary of State, $800; Auditor General, $200; Attorney General, $200; State Treasurer, $200, each payable quarterly.

At this session laws were passed for organizing a large number of townships; authorizing numerous counties to borrow money, defining the duties of the superintendent of public instruction, and requiring him to

prepare and digest a system for the organization of common schools and report to the next legislature. An act to provide for paying the militia for their services in the "Toledo war" was passed and became law, finally disposing of that matter.

Thus did the men of the young state grapple with the problems confronting them. The greater part of the state was still a wilderness, well nigh impenetrable. Counties and townships were organized, villages incorporated, a multitude of state roads provided for, numerous railroads and banks chartered, and, finally, a complete system of education initiated.

Provision had been made for taking a new census of the state, and the returns made near the close of 1837 showed a total population of 175,000, not counting Indians not taxed.

The tide of immigration was in 1836 setting into Michigan more strongly than ever before. The very fact that she had so long been kept back in her development by false reports in regard to her lands resulted in her having more public lands for sale at government price. The consequence was an immense rush to secure these lands.

Speculators and "land grabbers" from all parts of the country were thronging to Michigan to locate her virgin lands and returning with such alluring accounts of her beautiful forests, oak openings, and prairies that they stimulated many more to follow.

The records of the land office show that in the year 1836, while only 1,282,991 acres were sold in Ohio, and 3,345,344 acres in Indiana, 4,189,823 acres were sold in Michigan.

It was a period of ferment of strenuous endeavor and of high expectations. But events were rapidly maturing which were to arrest the progress of the state for a

time, and sober the lofty hopes and confident expectations of immediate greatness.

At the election of 1835 a territorial delegate was elected as usual, and the certificate of election was given to George W. Jones, residing west of Lake Michigan, although the majority of votes was given to William Woodbridge, but he was regarded as ineligible by reason of residing within the State of Michigan. By the organization of Wisconsin Territory in May, the Territory of Michigan finally ceased to exist, on July 4, 1836.

# CHAPTER IV

## The Second Legislature of the State

THE story has already been told of the meeting of the "Convention of Assent" at Ann Arbor, on the fourth Monday of September, 1836, and its rejection of the proffered condition of admission to the Union; of the calling of a popular convention without authority of law, or executive proclamation, and its meeting December 14, and its acceptance of the terms of conditional act of admission, and the ultimate though reluctant acceptance of this makeshift by Congress to relieve the anomolous situation.

It was manifest that the constitution and state government which the people of Michigan had formed for themselves having been "approved and adopted" by the act of June 15, 1836, Michigan was irrevocably a state, never again to return to territorial condition, and only a decent excuse was wanted to secure her admission. The convention of December 14 furnished the excuse, and in little more than a month thereafter the new state was received into the sisterhood of states.

But meanwhile a new legislature had been elected and electors of president and vice president had been chosen, although their votes were not counted; but had they been necessary to the election of Martin Van Buren, it is probable that some theory would have been evolved by which they would have been entitled to have their votes included.

By the provisions of the constitution, members of the legislature were to be elected annually on the first Monday of November, and the day following, while the governor was to hold his office for the term of two years from January 1, 1836. (Constitution Article V, 1.)

Therefore while a new legislature was chosen in 1836

the term of the executive did not expire until the close of the following year.

The second legislature assembled on Monday January 2, 1837. That was destined to be a critical and memorable year in the history of the state. The tide of immigration was still flowing with a strong and steady current to the peninsula.

The mania for land speculation was still rising. Every one coming into the state, whatever his calling or profession, first went straight to one of the several land offices, where the most desirable lands could be "entered," and "took up" as many acres as his means would permit and immediately put a price upon the lands from twice to thirty or forty times what they had cost. If he were fortunate enough to secure a tract on one of the United States territorial roads, especially the Chicago road or Detroit and Grand River road, and near the crossing of a river, or adjacent to a possible water power, he at once called in a surveyor and platted a town, with elegant streets, broad public squares, reservations for churches, court houses and schools and colleges, etc.

How many citizens of Michigan to-day can tell, offhand, the location of Brest, Gibralter, Auburn, Kensington, Dixboro, Sandstone, Port Sheldon, and Singapore? Yet in the later thirties all these were incipient cities, with elegant town plats, beautifully drawn and colored, and most of them with banks, hotels, and public squares, and prospective railroads and canals. The land that yesterday was covered by virgin forest and past which quiet rivers flowed between reedy banks, tomorrow was heralded to the world as an infant city, with lots offered at the remarkably low rate of fifty or a hundred dollars each. These early speculators had yet to learn the lesson that many others, both before and since, have been fain to learn through much disappoint-

ment and sorrow, that putting an imaginary price on a thing does not increase its real value.

Next to land speculation two other objects lay close to the hearts of these early state builders:—they were *internal improvements* and *banking*.

They had witnessed the revolution in conditions which the Erie Canal had produced in the matter of emigration from the East to the West, and they had not failed to note the manner in which the Chicago road had built up the towns and counties through which it passed. The process of reasoning was short and simple. If the Erie Canal has proved itself a good thing, then several canals across the state of Michigan would be a better thing; and if the Chicago road and the Grand River road had proved valuable for carrying settlement into the interior and western parts of the state, then several railroads extending across the peninsula, and connecting the waters of Lakes Erie and Huron and the Detroit river with Lake Michigan, must of necessity be a more valuable ally in the redemption and settlement of the state.

But in order to build these towns and cities, to dig these canals and construct the necessary locks to lift the canal boats over the summit levels,—something more than three hundred feet above the level of Detroit river and Lake Michigan,—to build, iron, and equip the several lines of railroads across the peninsula, would require money—a *very* large amount of money.

The census showed a population at the close of the year 1837 of about 175,000, including all classes and races, and we may fairly estimate the population on January 1, at 150,000, and for these one hundred fifty thousand frontier people of small commercial wants and of economical habits there were already fifteen chartered banks with an authorized capital of seven millions of

dollars. Three of these banks were situated in Detroit, with a capital of upwards of two millions of dollars, with branches at Kalamazoo and St. Joseph; two were at Monroe, one of these with a branch at Pontiac, and then there were the Bank of Pontiac, the Bank of Washtenaw, Ann Arbor, the Erie and Kalamazoo Bank at Adrian, Bank of Tecumseh, Bank of Macomb County, Bank of Clinton, Bank of St. Clair, at Palmer, Calhoun County Bank, Bank of Ypsilanti, Bank of Constantine.

It will be seen that every considerable town and some inconsiderable towns were provided with bank facilities. These banks were banks of issue, and to the ordinary mind it would seem that this new community was adequately "banked."

But the idea had gone abroad that these banks of issue were making a great deal of money; that they were "living off the people;" that they were "sucking the blood of the farmer"; that they were "a moneyed aristocracy" and a "soulless monopoly."

Forty years afterward a new generation heard the same complaints and the same arguments. There was a demand for "free and unlimited" banking, so that all the people—the poor as well as the rich—might share in its great profits.

It was in this condition of popular feeling that the second legislature met January 2, 1837. It was three weeks before the formal admission of the state into the Union, but that event was manifestly close at hand. In fact, the struggle practically ended on January 5, when the admission bill passed the senate. On January 26 the President put his signature to the act, and Michigan could at last "read her title clear" to statehood.

On the opening day, nineteen counties of the state were represented by forty-seven members in the house.

Among them were several of the most prominent members of the first legislature; Convis, late speaker, but soon to close his earthly career; Charles W. Whipple, soon to be speaker, and later chief justice.

E. H. Lothrop of Kalamazoo county, brother of the late distinguished lawyer diplomat; George V. N. Lothrop of Detroit, always one of the most influential leaders; Alpheus Felch of Monroe, afterward governor and United States senator.

Among the more influential new members were Kinsley S. Bingham, afterward congressman, governor and senator, James Kingsley of Washtenaw; Warner Wing of Monroe, and George S. Wisner of Oakland. On the same day the two houses met in joint convention to receive the message of the governor.

The governor evidently regarding statehood as fully assured, presented a lengthy and elaborate address, discussing the various state interests as if the state were already safely in the fold of the Union. He congratulated the assembly on improved conditions, the tide of immigration into the state, the health that had blessed the people, and abundant harvests, and that social order and the majesty of the law had been supreme.

He then refers to the relations of the state to the Union, and the fact that the convention to which had been referred the question of assent to the condition of admission had refused that assent; and then alludes to the second convention and says:—"It does not, perhaps, become me at this time and in my present place to deliberate on the validity of that convention." And upon the main question he says:—"My views on the rights of Michigan under the Ordinance of 1787, as repeatedly expressed to the legislature, remain unaltered and unalterable." After much discussion he arrives at the conclusion that the state has no remedy against Congress, and while

vigorously protesting against the injustice, can do no better than to accept admission as offered. He calls attention to the imperfection of the state revenue system and the inequality of taxation, recommends short sessions of the legislature, discusses the proper investment of the surplus federal revenue to be deposited with the state, and recommends that the governor be authorized to loan the surplus, on security, to banks and other institutions, the interest accruing to be applied to liquidate ordinary expenses or to create a sinking fund. He had submitted the proposal of the state to purchase the franchises of the various railroads to the corporations owning the properties; only the Detroit and St. Joseph and the St. Clair and Romeo had responded to the proposal.

He then takes up the subject of internal improvements, and urges the immediate organization of a "Board of Internal Improvement," so that at the next session of the legislature "measures may be taken for the immediate commencement of such canals, railroads, and other public works as may then be mentioned and designated," and discusses certain surveys for canals, &c.

Coming to the subject of the "Upper Peninsula," he says:

"In relation to the immense annexation of country which has been made to the state north and west of Lake Michigan, it becomes necessary that we should adopt some measure by which the acquisition should be made valuable."

He then urges the construction of a canal around the falls of the St. Mary's river, but as that would be a work of national character, recommends that Congress be memorialized to make an appropriation for that object. He next urges great care and conservatism in granting

charters for railroads, and that they be granted only when the public interests require it.

Returning to the subject of internal improvements, he recommends that the Executive be authorized to negotiate "a loan of five millions of dollars, to be drawn on as wanted." (This, we may say here, was the opening of a most important chapter in the history of Governor Mason.) He then takes up the subject of schools and education, and dwells upon them with much enthusiasm. He says:—"In the organization of your common schools, which is the foundation upon which your whole system of education must be based, the first measure essential to their success and good government is the appointment of teachers of the highest character, both moral and intellectual."

He refers to the revision of the laws by Chief Justice Fletcher, and recommends the extension of the time for perfecting the work, and then turns to the subject of imprisonment for debt, which he discusses with much feeling. He denounces it as a "time honored relic of barbarism," and urges its abolition. He then takes up the subject of paper money, which he discusses with clearness and force. "Banks are rather the effect than the cause of prosperity in the state." "The cause of the present pressure does not arise so much from a want of banking capital in the country as from the unnatural state of trade produced by *the wild and reckless spirit of speculation which has overrun the land,* and has withdrawn capital from its usual channels."

He recommends great care in chartering banks, deprecates usury laws, urges the immediate construction of the state prison, the early commencement of the geological survey; the necessity of providing for the census in 1837, in accordance with the constitution; the removal of the remnants of the Indian tribes; and the

organization of the militia of the state. He concludes with an exhortation to the members to banish all party spirit and sectional feelings, and labor solely for the honor and welfare of the state.

We have been thus full in making a digest of the message, because it brings before us the subjects then most urgently pressing upon the attention of the people of the state. But internal improvements and banking were the two fatal rocks on which Governor Mason was to be wrecked, and the ship of state to suffer disaster.

Even yet the words "Five Million Loan" have an ominous sound, especially to those who can remember events beyond a half century past.

January 4 Charles W. Whipple was unanimously elected Speaker, and the House adopted rules of procedure, and on the next day the standing committees were announced. On the same day the first report of the superintendent of public instruction was sent to the legislature. This was an epoch-making document. It would, perhaps, be within the bounds of truth to say that no more important and far-reaching document has ever been sent to a Michigan legislature than the first report of John D. Pierce, first superintendent of public instruction.

The report is too elaborate to permit even a synopsis of it here. But he lays down as the fundamental principles of his report, first, that schools should be the "property and care of the state," and, second, that the facilities for education should be such as to reach every child in the state. He was the pioneer in the undertaking of a state to furnish a complete education, from the lowest to the highest.

He frankly adopted the system of Prussia as his model for state education, and the report of the cele-

brated Victor Cousin, from which he quotes frequently and extensively, as his authority.

It will suffice to say that Superintendent Pierce planned and promulgated the primary school system of Michigan, substantially as it has existed ever since. It has been modified and perfected by the addition of union schools, graded schools, and high schools, but the primary school has remained substantially as he planned it.

After outlining the proposed law for establishing the common school system, he next takes up the subject of academies as branches of the University, and in definite form presents the proposed law for the establishment of such branches almost in the words in which it was adopted by the legislature. He provides for three courses or departments; the Teachers' Course, the English Course, and the Classical Course. He goes into all the details of tuition, libraries, and apparatus.

Then he outlines his idea of the University, its Board of Regents, its three departments of literature, science, and the arts, medicine and law. He suggests fifteen professorships in the department of literature, science, and the arts; five in the department of law, and six in the department of medicine. This scheme has been greatly developed and enlarged. New professorships and courses added, but the University stands to-day upon the foundation laid in 1837 by Superintendent Pierce.

It is impracticable to enlarge further upon the great document which constitutes the genesis of our educational system, but those who care to examine it in its entirety may find it in the appendix to the Journal of the House of Representatives, 1837, as "Document 7," at page 521.

On March 18, 1837, the "act to provide for the

organization and government of the University of Michigan" became a law, and two days later, on March 20, the governor signed the "act to locate the University of Michigan" and at the same time announced his approval of "an act to provide for the organization and government of Primary Schools."

Thus the school system of Michigan was at least potentially launched on March 20, 1837. But we anticipate events, and will hereafter have more to say of that system and especially of the University.

The senators and representatives in Congress were requested to use their influence to procure appropriations for light-houses and improvements of harbors at the mouth of Grand river, Kalamazoo river, New Buffalo, and North and South Black river.

The legislature mixed into national politics by passing a resolution in favor of "expunging" the resolutions of censure of President Jackson for the removal of the deposits.

The chief justice was instructed to prepare a law for the punishment of fraudulent debtors.

To illustrate the prevailing sentiment on the subject of internal improvements, the following extract is made from the report of the committee on that subject in the House of Representatives, January 24, 1837:

"The progress of centuries in other lands is here realized in as many years. The sound of the falling forest is everywhere heard; abundant harvests usurp the rank luxuriance of the prairies; farms, villages, and cities spring up on every side under the magical hand of intelligent labor; the wide embracing arms of her surrounding seas bear to her indented shores a thousand keels freighted with tribute to the enterprise and industry of her numerous and enlightened population.

The subject of internal improvement is one which is occupying the intelligence of the age. Every portion of the civilized globe is emulously engaged in realizing its benefits. The spirit of the age is to equalize the benefits of society.

Internal improvement is the great lever which is opening the sealed up fountains of national wealth and civilization. The question for Michigan to decide is whether she will by her own energies sieze the present opportunities to avail herself of these vast viaducts of wealth and prosperity, and lead them laden within her own borders, or whether by her timidity or apathy she will allow them to pass her by to swell the power and abundance of her wiser neighbors."

Two days after the making of this report, Michigan, by act of Congress, became a state in the Union, as before it had been a state out of the Union. The essential part of that act was in the following words:

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress Assembled,* That the STATE of MICHIGAN shall be one, and is hereby declared to be one of the United States of America and admitted into the Union on an equal footing with the original states in all respects whatever."
Approved January 26, 1837.

It might be supposed that after the long struggle, the act of admission would be hailed by the state with some enthusiasm. But the only allusion to the admission of the state into the Union that we have found in the House Journal is the following resolution adopted February 4, which probably indicates that date of the receipt of the news at Detroit.

Mr. Alden of Branch offered the following resolution and moved its adoption:

"Resolved that the thanks of the House be tendered to our Senators and Representative in Congress for the untiring zeal and unremitting fidelity with which they have endeavored to sustain the rights of the State of Michigan against the unjust assumption of a powerful sister state; and that although Michigan has at length, after a long and painful struggle for her rights, been admitted into the Union, bereft of a fair and important portion of her territory, the dismemberment is not attributable to them, but to causes beyond their control."

Section 2 of the act of admission provided that the Secretary of the Treasury, in carrying into effect the act for the distribution of the surplus revenue, should "con-

sider the State of Michigan as one of the United States" —that is, as entitled to participate in the distribution.

Accordingly, the governor advised the legislature of the receipt from the United States, of the first installment of the surplus revenue, amounting to $95,383.83, now subject to the disposal of the legislature. "The whole amount due the state under the act of Congress is $381,535.31, as stated in the communication of the Secretary of the Treasury."

Thus early was the refractory and rebellious child made to feel how pleasant and profitable a thing it was to submit to paternal discipline and be recognized as one of the family. But this was not the end. On February 13, the governor announced the receipt from the secretary, of $103,000, which he had deposited in the Michigan State Bank; and on March 3, he acknowledged the receipt of the further sum of $6,100, being a part of the five per cent. of the net proceeds from the sale of public lands in the state. On March 31 the State Treasurer, H. Howard, advised the legislature of the receipt of $95.383.83, being second installment of the surplus.

At this "long session" or "regular session" much general legislation was enacted, but the two most important acts (next to the school act) were the "act to organize and regulate banking associations," approved March 15, and an "act to provide for the construction of certain works of *internal improvement,* and for other purposes," approved March 20, together with an act for the regulation of internal improvements, and for the appointment of a board of commissioners," approved the following day, which really constituted a single body of legislation.

On the same day, March 21, the governor nominated for the Board of Internal Improvement Commissioners

Daniel LeRoy of Oakland; Hart L. Stewart and John M. Barbour of Berrien; David C. McKinstry of Wayne; Gardiner D. Williams, of Saginaw; Levi S. Humphrey, of Monroe, and Justin Burdick, of Kalamazoo. (House Journal 1837, p. 405.)

These were all confirmed the same day by the Senate, except Daniel LeRoy. James B. Hunt of Oakland was nominated and confirmed in his place. (House Journal 1837, p. 415.)

Two other very important acts which became law on the same day were "an act to authorize the construction of a ship canal around the falls of St. Mary" and "an act authorizing a loan of a sum not exceeding five millions of dollars."

These acts, the banking association act and the group of internal improvement acts, including the five million loan, were destined to have a history extending far beyond the official term, or the life, even, of Governor Mason. They were fraught with momentous consequences, both to the governor and to the state, and deserve a separate treatment in succeeding chapters.

In addition to all this important legislation this legislature passed acts organizing the counties of Ionia, Van-Buren, and Shiawasse, and also a large number of townships; acts to provide for many state roads and incorporating a number of railroad companies, including the Detroit and Shiawasse railroad, the Saginaw and Genesse railroad, and the Gibraltar and Clinton railroad company, and for the purchase of the Detroit and Pontiac railroad company; also an act for the incorporation of manufacturing companies.

There were petitions for the granting of a large number of charters to banks, but on the day before adjournment the committee on banks and incorporations, to which this petition had been referred, reported "the

same to the House without action, believing that the act to organize and regulate banking associations will enable the citizens of every part of the state to employ what capital they shall require, in banking." And the committee was quite correct. As we shall see, it gave ample opportunity to the citizens of every part of the state to employ all the capital they required for banking purposes. Having thus provided for all possible requirements of the young state, the legislature adjourned on March 22 to meet November 9.

But the adjournment was not destined to be for so long a period. Events were maturing which would make it necessary for them to meet again at an early day. For several years a mania for speculation had been sweeping over the whole country. The opening up of vast tracts of new and rich lands in the western states, the great rush of emigration thereto, the undertaking of many and vast schemes of public works, canals, railroads and turnpikes, and the demands for moneyed institutions to promote and finance these undertakings, had led to an era of over-trading and wild investment in lands which could yield no return for years to come, and in enterprises which in the present state of the country, must of necessity prove unremunerative.

This spirit of speculation reached not only the new communities of the West, but also staid old New England and the rich centers of New York State.

But the situation and the causes of the reassembling of the legislature may be told in the language of Governor Mason.

Summoned by the Governor's proclamation, the legislature met at Detroit, June 12, 1837, in special session. On the same day the Governor's message was read. He said:—"You have been called together at this time in consequence of the existence of the financial and com-

mercial embarrassment which at present disturb the tranquility of the nation. Happily the people of our own state have not as yet felt these embarrassments as heavily as those of other portions of the union. But as the recent measures adopted in the Atlantic states cannot rail to operate upon the western country, unless promptly met,, I have, with a desire to protect the citizens of Michigan, conceived it my duty to consult you, and ask your counsel and cooperation in the endeavor to avert the calamity."

Speaking of the financial crisis in the country, he said: "it should teach us although we may learn the lesson of wisdom by sad experience, to avoid in future the seductive career of apparent but unreal prosperity which the nation has pursued and which has brought us ultimately to the very verge of general bankruptcy." "We may trace, in a very great extent, all our present pecuniary embarrassments to one fatal error into which the country has fallen. That error is to be found in our system of overbanking. The excess of bank facilities has made the representatives of money too abundant, and has consequently brought in its train the evils of overtrading and speculation."

After speaking of the suspension of specie payments in the East, and by "a powerful neighboring state," and the probability that Michigan would be forced to a similar step, the Governor says: "As the only alternative, though a deplorable and hazardous one, I would recommend the passage of a law exempting all the banks reported safe and solvent by the Bank Commissioner, for one year or until the resumption of specie payments in New York and other states, from the liabilities of a forfeiture of charter for declining to pay specie on their notes." He recommends that this law be made applicable to the "safety fund banks" as well as the association

banks. He also recommends that the banks be restricted in their issues to such amount as will answer the reasonable wants of the public.

The legislature promptly took up the work and in ten days had passed not only the legislation recommended by the governor, but much general legislation besides. Among the acts passed was an act amending the act organizing the Supreme Court and Circuit Courts; also an act amending the University act, giving larger power to the Board of Regents; an act providing for proceedings in chancery against corporations; an amendment to the act to regulate general elections so as to admit the immediate election of a member of congress; an act to amend the act for the assessment and collection of township and county taxes; an act to amend the act for the disposition of university and primary school lands; an act to amend an act to provide for the organization and support of primary schools; and *"an act suspending for a limited time certain provisions of law."*— The latter was the act to allow banks to suspend specie payment without forfeiting their charters. The special session then adjourned June 22, 1837.

The adjourned session of the legislature of 1837 met at Detroit November 9, and proceeded at once to attempt to stop some of the leaks in the ship of state then wallowing in the trough of the financial and economic sea. The session continued till December 30. It resulted in the passage of fourteen acts and five joint resolutions. Act No. 1 (Approved November 15) amended the "five million loan act" of March 21, by increasing the authorized rate of interest to six per cent. and permitting the sale of the bonds in Europe and fixing the rate of exchange.

Act No. 3 provided that no bank going into operation after the first day of January, 1838, should be per-

mitted to suspend specie payments. Act No. 13 (approved December 30) amended and reenacted the "act to organize and regulate banking associations." It provided for three "bank commissioners of the State of Michigan," and it was made the duty of said commissioners, on request to endorse the name of one of them "upon the back of every bill or note which such bank shall be authorized to issue or have in circulation," and to keep a record thereof, and first to examine the vault of such bank and ascertain the amount of specie then on hand, and "administer to each of the directors of such bank or a majority of them the oath prescribed as to the actual ownership of the specie then in the bank." Other acts organized the counties of Eaton and Ottawa. Eleven new townships were organized and the Port Sheldon and Grand Rapids Railroad company was incorporated. Port Sheldon was one of those bright but brief dreams, which long years ago faded, leaving no trace behind. It was intended to be on Pigeon lake, half way between the mouth of the Grand and the Black rivers.

So closed the year 1837, one long to be remembered by the people of Michigan.

The legislators of the young state began to realize that the process of state-building was not so simple a matter as it had at first seemed to them.

But many of them looked forward to the placing of the "five million loan" as a way out of most of their troubles. Only a single day, and that Sunday, intervened between the adjournment of the second and the meeting of the third legislatures, and to the latter we must now turn.

# CHAPTER V

## The "Wild Cat" Banking Era

BEFORE proceeding to sketch the results of the legislation of 1836 and 1837, especially of the banking system and of the attempts at internal improvements, it will be desirable to gather up some other threads of current history.

THE SUPREME COURT of Michigan was organized July 4, 1836, with William A. Fletcher as Chief Justice, and George Morell and Epaphroditus Ransom Associate Justices.

Under the constitution of 1835 the Justices were appointed by the governor, by and with the advice and consent of the senate. In 1838, Charles W. Whipple, who had been speaker of the House of Representatives in 1837, was made additional Associate Justice, and so continued till 1848 when he became Chief Justice, which position he continued to hold until 1852, when the court was reorganized under the constitution of 1850-1. As one of the circuit judges then constituting the Supreme Court, he continued a member of that tribunal until his death in 1855.

Chief Justice Fletcher had been selected by the legislature to revise and codify the laws of the state, and had been directed to report the code at the opening of the regular session of 1837. But finding the task too great to be properly accomplished in the limited time, he asked and received permission to continue his labors until the adjourned session in November. The new code or revision was enacted in 1838. Of it, Chief Justice Campbell, and there could be no better judge of the matter, says: "The statutes were hastily prepared and, as usual, when an entirely new arrangement is adopted, they omitted many things, and were quite imperfect, abolishing most of the existing general laws, and not providing adequately for the matters they had regulat-

ed. The code introduced no important reforms in the law of property or procedure, and had no influence in that direction. It was, however, well arranged and perspicuous."*

Many amendments were made to the code by the legislature of 1839. Perhaps the criticism of his code had something to do with the resignation of Chief Justice Fletcher in 1842, before the expiration of his term. He returned to the practice of the law in Detroit, but in later years resided in Ann Arbor, where he died. When the law department was organized in the university in 1859, his name was given to one of the professorships. On the resignation of Chief Justice Fletcher, Associate Justice Morell became Chief Justice for his unfinished term, to be succeeded by Justice Ransom, 1843, and Whipple in 1848. Alpheus Felch was appointed to the court in 1842, but resigned in 1845 to become governor, and did not again return to the bench. Warner Wing was appointed to succeed Felch, and George Miles, Sanford M. Green, Edward Mundy, Abner Pratt and George Martin,—the two latter appointed in 1850 and 1851 respectively—complete the list under the first constitution. The Supreme Court under that constitution held its sessions alternately in each of the three circuits into which the state was then divided, and these sessions were held in Detroit, Ann Arbor, and Kalamazoo.

THE COURT OF CHANCERY was organized in 1836.

It had jurisdiction of all equity matters, but in certain cases an appeal lay to the Supreme Court. All cases were to be heard and determined in the circuit in which they arose.

The first chancellor was Elon Farnsworth, who held

*Campbell, Michigan, 509.

the office from 1836 to 1842, when he resigned, and Randolph Manning was appointed in his place. Chancellor Manning continued in office until 1846, when he resigned and was succeeded by Ex-Chancellor Farnsworth, who continued to hold the court until it was abolished in 1847, and its jurisdiction annexed to the circuit courts with appeal to the Supreme Court.

The two volumes of Michigan Chancery Reports are recognized as highly creditable to the court and the state.

The origin of the word "wild cat" as applied to banks and banking is obscure and probably will always remain so. Some have suggested that it was applied because these banks were, some of them, started in the wilderness, the natural habitat of the lynx. It has also been said that the first known use of the term in such connection was by Oliver Newberry, an old time merchant of Detroit, * who refused to take such "wild cat stuff," and that it seemed such an expressive and descriptive term that it at once became the popular designation for the worthless or partly worthless bank paper, from 1838 to 1844.

Whatever its precise origin, the name was appropriate, for these deceptive banks and bank issues had many of the characteristics of the wild cat. They were sly and feline in their approach; coming forward in an apparently friendly way, they leaped upon their unsuspecting victims, lacerating, tearing and maiming, and leaving them stripped of possessions and ambition or the courage to regain what had been with tigerish ferocity torn away. It is not known that the "wild cat" bank was a native of Michigan, but it certainly made its appearance here at an early day. In fact, the very first bank

*5 Mich. P. & H. Col. 222.

ever organized in the territory was of this species and variety.

On September 19, 1806, Governor William Hull introduced a bill before the territorial legislature, consisting of himself and Judges Woodward, Bates, and Griffin, to incorporate the Bank of Detroit, and as the bill was Woodward's own, and he seems to have controlled absolutely one of the other judges, of course it went through "with neatness and dispatch."

The "Bank of Detroit" with a nominal capital of $400,000, was organized ostensibly to facilitate the fur trade in the Northwest, and to keep it on the American side of the international boundary. But its real purpose seems to have been to pluck the fleece of various "lambs" in the eastern states. Such confidence did Judge Woodward feel in his ability to secure the charter, that the bank building—the finest structure then in Michigan, —was erected before the bill was introduced.

Judge Woodward was made president of the bank, and at one time it was charged that Governor Hull had an interest in it; but it seems that though he may have at one time contemplated it, he did not become actually interested. The chief capitalists back of the bank were Russell Sturges, of Boston, and a group of his Boston friends. As Detroit was then a frontier village of a few hundred inhabitants, and very poor by reason of the great fire of 1805, the chief business of this great ancestor of the "wild cats" appears to have been the issue of the bank notes for circulation in the East. On a paid in capital of $19,000, notes to the amount of $165,000 were signed and delivered to Sturges and his friends, and taken to New England and disposed of at such prices as they could command. The Michigan Chief Justice continued to sign notes as his chief occupation until $400,000 had been issued. The main reliance of the

bank was in the fact that their notes were put in circulation at points so remote that they would be a long time in finding their way back to Detroit. Foreseeing the early collapse of their "wild cat" scheme, Sturges and his co-conspirators unloaded their bank on one Dexter, another Boston capitalist. Dexter seems to have known a thing or two about "wild cats" himself, and he soon forced the circulation up to a million and a half, all but $12,000 being placed in the East.* But as the act of the governor and judges required the approval of congress in order to be valid, and congress refused their approval, the whole proceeding became illegal.

"But" (in the language of Justice Cooley in his Michigan)—"the bank nevertheless went on as before until, in September, 1808, in the absence of the Chief Justice from the territory, the other members of the legislature summoned the courage to pass an act denouncing severe penalties on illegal banking."†

This action resulted in a bitter feud in which Chief Justice Woodward and his echo, Griffin, stood for the fraudulent bank, and Governor Hull and Judge Bates against it. Judge Bates almost immediately sought a more congenial association at St. Louis, as Secretary of Louisiana Territory, and Judge James Witherell succeeded him at Detroit. But the action of Congress, supplemented by that of the Governor and Judges, put an end to the Bank of Detroit; but as very few of the notes had circulated in Michigan, the loss fell almost entirely on the East, where its product had been chiefly marketed.

The feud among the Judges, however, went on for

*Charles Moore, Ph.D., in 31 Mich. P. & H. Col., pp. 19, 520.
†Cooley's Michigan, p. 156. For history of this bank see address of Governor Felch. 2 Mich. P. & H. Col. 111.

years, and forms one of the most grotesque and disgraceful chapters in the history of this or any other territory.

For ten years Michigan was without a bank; and the people got along as best they could with such scanty specie as the fur company and the small army-post at Detroit brought in, and such barter as the circumstances of the country made possible.

But in 1818, when the land surveys had been inaugurated and the first land office in Michigan was opened, and American immigration commenced, the Bank of Michigan was established at Detroit* with an original capital of $100,000, which was ultimately increased to $850,000, of which $500,000 was actually paid in.

From this time onward banks were chartered by the territorial council and legislature as fast as the wants of the territory or state required, until by the first of January, 1837, there were sixteen chartered banks in the state.

The condition of the Michigan banking system at that time cannot be better told than in the words of the first report of the first bank commissioner of the state, Marshall J. Bacon, the opening portion of which is here transcribed. Under date of January 5, 1837, he says:

"There are now chartered in the state sixteen banks, three of which have the privilege of establishing branches. Six of that number are subject to the provision of the bank act, as follows: The Erie and the Kalamazoo Railroad Bank, Bank of Ypsilanti, Bank of Constantine, Bank of Clinton, Calhoun County Bank, and Oakland County Bank. One, the Bank of St. Clair, is subject to the general supervision of the commissioner. The remaining nine are liable to report when required to the Governor or to the Legislature; they are as follows: The Bank of Michigan, The Farmers and Mechanics Bank of Michigan, the Michigan State Bank, the Bank of River Raisin, the Bank of Monroe, the Bank of Washtenaw, the Bank of Pontiac, the Bank of Tecumseh, and the Macomb County Bank." The last of these was not in actual operation, and had no capital

*Charter granted December 19, 1817.—See 2 Michigan P. & H. Col. 112.

stock paid in, leaving fifteen banks in actual operation with an authorized capitalization of $7,100,000.*

In the commissioner's table of banks, embodied in his report, he gives the following banks as not in operation, and shows no capital stock paid in except $10,000 in the case of the Bank of Clinton:—Bank of Clinton, Calhoun County Bank, Oakland County Bank, Bank of Constantine, Bank of Detroit, (broken),—this last is the ghost of Judge Woodward's bank of 1806.

Attention has already been called to the act of March 15, 1837,† entitled "an act to organize and regulate banking associations. This was commonly known as the "free" bank act, because it required no special charter from the legislature, but conferred upon "any persons" desirous of forming an association for transacting banking business, all the rights, privileges, and immunities theretofore conferred by special charter. The act was long and elaborate, and was supposed to have been enacted with great care, and after long and careful discussion. The men who enacted it were doubtless honest men, and supposed they were giving the people of the state a safe and well guarded banking law. The act was passed in response to a popular demand that the profits of banking should no longer be the prerogative of the "privileged few," but should be extended to any community that should be able to command the capital and furnish the securities demanded.

It is possible to give here only the briefest outline of the general bank act. "Any person or persons resident of the state" might open books and subscribe for the stock, from $50,000 to $300,000. The stockholders should proceed to choose directors, and they to elect a president. Before the bank could commence business,

*For a very careful history of the early banking system see address of Alpheus Felch. 2 Mich. P. & H. Col. 111.

†House Journal, 1837, 573.

the entire capital stock must be subscribed and thirty per cent. actually paid in, in specie.

One third of the capital stock was required to be subscribed, and continue to be held *by residents* of the county. Before the bank could commence operations, the stockholders were required to execute bonds and mortgages on unencumbered real estate within the state, which should be estimated at its true cash value, exclusive of buildings thereon, for the security of its notes.

The real estate to be estimated by the clerk, treasurer, associate judges, and sheriff of the county. These securities to be taken in the name of the auditor general, for the use of the state, and to be held as security for the final payment of all debts and liabilities of the association. After the liabilities of the directors and stockholders, and the fund accruing in pursuance of the "act to create a fund for the benefit of the creditors of certain moneyed corporations" should have been found insufficient for the payment of the same.

Before the association could commence business, it was made the duty of the bank commissioner to visit the banking house, count the specie, and satisfy himself that the law had been compiled with in every respect.

Neither the circulation nor the loans and discounts could exceed twice and a half the amount of the capital stock then paid in. Frequent and rigid examinations were provided by the law. Three disinterested commissioners were to be appointed, and no note could be issued until endorsed on its back by one of these commissioners. Such in brief outline, was the general or "free" banking act of 1837. It seemed to carefully guard the interests of the people.

In addition to all this three men of high character were appointed bank commissioners. They were Thomas Fitzgerald, (afterward United States senator), Al-

Alpheus Felch

pheus Felch, (governor and senator), Kintzing Pritchett, (secretary of state).

Between the date of its passage and April 3, 1838, when the legislature suspended the operations of the act, as to the creation of new associations, there were forty-nine banks organized under the act, and forty went into operation.*

Some of these, and perhaps the greater number, were organized by men of respectable character, and with the *bona fide* intention of doing a legitimate and honorable business in the locality where they were situated.

But no law has as yet been devised by human wisdom which the cunning and ingenuity of unscrupulous rascals have not been able to pervert and wrest to dishonorable purposes. A portion of these banks were organized, beyond all question of doubt, for the purpose of fraud and robbery. They were conceived in sin and born in iniquity.

To illustrate how little regard was paid to the actual needs of the community, it may be stated that Washtenaw county, with a population of 20,000, had seven of these banks, namely, Miller's Bank of Washtenaw, Ann Arbor, established November 23, 1837. Capital $50,000; Bank of Manchester, Manchester, December 1, 1837, capital $100,000; Bank of Saline, Saline, December 4, 1837, capital $100,000; Farmers Bank of Sharon, December 28, 1837, capital $50,000; Bank of Huron River, Ypsilanti, January 17,1838, capital $100,000; Citizens Bank of Michigan, Ann Arbor, January 17, 1838, capital $100,000; Bank of Superior, Superior, January 17, 1838 capital $100,000.

Thus in this strictly rural county there were established in little more than two months seven banks with a

*5 Michigan P. & H. Col. 21. Blois Gazeteer (1838), 404.

capital of $600,000. Two of these were located in purely farming towns, without even a village as a center. Sharon and Superior appear, by Blois' Gazateer to have had two merchants each in 1838, but they had a banking capital of $150,000.

Apropos to the Bank of Sharon, one Silas Beebe, who became a pioneer of Stockbridge, Ingham county, was in Sharon on March 1, 1838, and makes this entry in his diary: "The bills of the different banks organized under the general banking law are distinguished under the beautiful appellations of "wild cat," "tom cat," "red dog," etc., according to the fancied solvency of the different institutions; none of them are considered as good as the old "chartered" banks, and these are at a discount in New York of from ten to twenty-five per cent."*

From this contemporaneous entry made "on the spot" it will be seen that the issues of the banking associations had lost all respectable standing, or rather had none to lose.

Besides the seven banks already named in Washtenaw county, the following elsewhere may be named. The bank of Brest, Brest, (in Frenchtown, Monroe county), capital $100,000; Bank of Gibraltar, Gibraltar, (a hamlet in Brownstone, Wayne County), the Bank of Singapore, Singapore, Allegan County. (No sign of Singapore has been seen upon the map of Michigan for the last half century.) The Bank of Auburn, Auburn, capital $50,000. (Auburn was a hamlet in the township of Pontiac, Oakland county, said by Blois to contain in 1838 one grist mill, one saw mill, a tannery, two stores, and one church.) Bank of Goodrich, Goodrich Mills, capital $150,000. (Goodrich Mills was a locality in the township of Atlas, Lapeer county. It is not even men-

*1 Michigan P. & H. Col. 190.

tioned in Blois' Gazateer of 1838. The entire county had a population of 2,600 in 1837.)

The Bank of Kensington, Kensington, Oakland county, capital $50,000. (Kensington was a hamlet in the southwest corner of Oakland county. It is said at one time to have had twenty houses. The only relic of it now remaining is the old banking house, now used as a farm barn. It has long since disappeared from the map.)

The Bank of Sandstone, Barry, Jackson county, capital $50,000. (Barry is not found on modern maps, but in 1838 it was situated six miles west of Jackson, and contained two stores and a saw mill. It was located on the Detroit and St. Joseph State road, and on Sandstone Creek;) the Exchange Bank, Shiawasse, capital $50,000. (Of Shiawasse, Blois says in 1838: "A small village recently laid out a little southeast of the center of Shiawasse county. Here is a flouring mill, a saw mill, two stores, a physician and a lawyer, and a few mechanics." The population of the entire county was a little less than 1,200. This is probably the bank of which the story is told that a stranger lost his way in the wilderness of Shiawasse county, and night coming on, followed what appeared to be wood or logging road, and coming out upon a small clearing, to his astonishment there appeared a large frame building, a conspicuous sign across the front indicating that it was a bank. It was one of the Michigan "wild cats" in the native forest.)

It is hardly supposable that these banks were located where they were with any idea of doing a legitimate business or giving legitimate security to their patrons.

As before stated, thirty per cent of the capital stock of these banks was required by law to be paid in *specie,* before they could begin operations. Alpheus Felch, one of the bank commissioners, says:

"In many cases, instead of specie a kind of paper denominated "specie certificates" was issued. These were given by bank officers and sometimes by individuals or firms, acknowledging the receipt of specie held on deposit. In some cases specie borrowed for the occasion was used and immediately returned to the owner. Sometimes the notes of the individual subscribers or others, usually denominated "stock notes," were received and counted as specie." Again he says: "In regard to the amount of specie required to be held by the banks the frauds were most glaring. The bank commissioners were closely watched with a view to transporting specie from banks already examined to those which it was supposed they were to visit. Gold and silver never before circulated so freely or traveled so rapidly."

"But there were found some banks which had no amount of even borrowed specie. The Bank of Sandstone, for instance, never had any specie, and although its liabilities exceeded $38,000, it had no assets of any kind at the time it was examined." Again he says:

"Within the space of about a year forty-nine banks were organized and about forty went into actual operation under the general banking law. The nominal capital of these banks was $3,915,000. If the law had been complied with, they would have had an available capital in gold and silver actually paid in of $1,745,000, being thirty per cent of their nominal capital, but no such sum was ever paid."

Commissioner Felch concluded his article with the following summary:

"Many of these banks were organized in remote and almost inaccessible places, and before they could be visited they had done irreparable mischief. Many associations partially organized were relinquished. Great efforts were made by the bank commissioners to induce the banks in operation to call in their circulation and reduce their indebtedness, and with considerable success. But the crisis came and the catastrophe could not be averted. Failure rapidly succeeded failure. A knowledge of the real condition of the banks put an end to all confidence in them, and their bills were depreciated, and finally rejected altogether, and when their doors were finally closed, by process from the Court of Chancery, there was left afloat in the community a large amount of their bills destined never to be redeemed. And this result was not limited to what were called "wild cat" banks; "chartered" banks also fell into the same category." "In December, 1839, according to the report of the bank commissioner, there remained in operation only three chartered banks with one branch bank, and four which were organized under the general law; and all these have long since gone out of existence."*

In regard to the results of this orgy of fraud and chicanery Justice Cooley in his "Michigan" says:

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*2 Michign P. & H. Col. 122 and 123.

"When a bank failed it was of course that the laboring man and farmers should be the principal losers, for they had neither the means of keeping well informed concerning the condition of the banks, nor facilities for putting off doubtful bills, which were possessed by the merchants. At the beginning of 1839 the bank commissioners estimated that there were a million of dollars of bills of insolvent banks in the hands of individuals and unavailable."*

"The insolvent banks were rapidly passing out of existence. By the end of 1839 forty-two of them were in the hands of receivers, and only two of the chartered banks and four of those which were organized under the general banking law were still keeping open doors for business."†

So ended Michigan's grand banking carnival. It would seem that there was no trick, device, or fraud possible for nullifying the law, deceiving the bank commissioners and robbing the people that was not resorted to and practiced.

Millions of dollars face value of these worthless bank notes were left in the hands of the people, or in bales, signed or unsigned, in the offices, houses and attics of the bank officials. Even to this day, nearly three-quarters of a century afterward, thousands of them may be found scattered through the state, in museums or pioneer collections or in individual hands, where they are kept as curiosities of the pioneer days.

But Michigan received a lesson which she has never forgotten; that the evidence of debt is *not money,* and that a promise to pay is valuable only as the means, the good faith, and the purpose to redeem give it value. When forty years later many were carried away by the seductions of "fiat money," it had no charms for those veterans who could remember the days of the *"Wild cat Banks."*

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*Cooley's Michigan 272.

†Cooley's Michigan 273.

NOTE.—Those who may care to study the subject of this chapter further can find the information in Report of Bank Commissions 1838 and 1839, in the paper by Alpheus Felch, 2 Mich. P. &. H. Col. 111, and in a paper presented to the Michigan Historical Society by H. M. Utley, 2 Mich. P. & H. Col. 209.

Banking in Jackson County.—2 Mich. P. & H. Col. 319; also see 2 Mich. P. &. H. Col. 339.

# CHAPTER VI

## Internal Improvements

AS has been stated in a previous part of this work, the great majority of the pioneers of Michigan came from New England and New York, either immediately or by way of Ohio.

Nearly all had come partly by way of the Erie Canal, even before that famous ditch was completed in 1825; and when, later, the New York Central railroad began to push its way westward they came by that conveyance as far as it would take them—to Johnstown, Utica or Syracuse,—and then by canal to Buffalo. From Buffalo all came by boat to Detroit, except a very few destined for the extreme southeastern part of the state, who landed at the mouth of the Maumee, then supposed to be Michigan territory. On reaching one or the other of these landing places, they proceeded to their destination in the interior, along the various territorial roads, opened and partially completed by the United States, radiating from Detroit toward Fort Gratiot, Saginaw river, the mouth of the Grand, the St. Joseph, and chief of all, to Chicago, through the first and second tiers of southern counties.

One has only to examine the tables of population and production of the several counties and localities at that date to be assured of the great influence these territorial roads had exerted on the early settlement and development of the regions through which they passed. This was emphatically true of the Chicago road; and the early and rapid rise of Ypsilanti, Saline, Clinton, Tecumseh, Jonesville, Branch, White Pigeon, Mottville, and Bertrand testified strongly to the fact that emigration moves, naturally, on the line of least resistance. And what was true of the Chicago road was equally true, only in less degree, of the Detroit and St. Joseph and

the Detroit and Grand River roads. Settlements were strung along these routes like beads on a string.

The men who came to Michigan prior to statehood had not failed to note all these things. They saw how quickly and safely the railroads brought them on their way to its terminus; how much better was the Erie Canal in leading the tide of emigration westward than the country roads through New York, and how dependent was Michigan upon the United States "turnpikes" or "territorial roads" for the settlement of the interior. It cannot be said that they overestimated the value of internal improvements such as turnpikes, railroads, and canals, but they did overestimate their ability to produce these accessories of advanced civilization, within a limited time.

The men who settled Michigan from 1830 to 1840 were men of courage, faith, and enterprise. They did not fear to undertake. They had a splendid vision of a great and prosperous commonwealth to rise between these inland seas; they knew that they possessed a "beautiful peninsula" which only needed development to bring them prosperity riches, and honor. They had the zeal of pioneers and the vision of seers. They were mostly young, strong, and vigorous. These men brought with them helpmates who were equally strong, hopeful, and courageous. They were willing to deny themselves the comforts and luxuries of their old homes for the sake of the future and for the hope of seeing their children grow up in a new land to positions of influence, competence, and honor.

The state had been organized. A constitution had been adopted. It was no wonder, under the circumstances, that these frontier law-makers put into their constitution this Section 3, Article XII. "Internal improvements shall be encouraged by the government

of this state; and it shall be the duty of the legislature, as soon as may be, to make provision by law for ascertaining the proper objects of improvement in relation to roads, canals, and navigable waters; and it shall be their duty to provide by law for an equal, systematic, and economical application of the funds which may be appropriated to these objects." This, perhaps, seemed to them like that immortal declaration in the Ordinance of 1787: "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

That they anticipated great results from it cannot be doubted. That they wholly underestimated the obstacles and overestimated their ability is equally certain. But it can now be said that,—excepting the canals —which modern railroads have made obsolete—there was scarcely one of their projects, whether for country roads or railroads, which have not been realized over and over many times, while as to the aids to navigation, on the great chain of lakes, and in the improvements of rivers and harbors within the state by the general government, they have far transcended anything that these forerunners of our greatness ever conceived or even dreamed of.

Obedient to the mandate of the constitution, the first legislature took up the work of inaugurating a system of internal improvements. In a previous chapter will be found a portion of the report of the committee on internal improvements, as well as extracts from the message of Governor Mason on the same subject.

Following out the lines laid down in the constitution and in the governor's message, on March 18, 1837, the legislature passed, and on the 20th the governor signed "an act to provide for the construction of cer-

tain works of internal improvement and for other purposes," and on the 21st he also signed "an act for the regulation of internal improvements, and for the appointment of a Board of Commissioners;" also an act amendatory of the same, and on the same day sent to the legislature in joint assembly the names of the commissioners as stated in a previous chapter.

To this "Board of Commissioners of Internal Improvements" the legislature entrusted the location, survey, and construction of three lines of railroad, namely, the southern route, through the southern tier of counties; the central route, being the same as the Detroit and St. Joseph railroad, which had been acquired by the state; and the northern route, to extend from Port Huron at the foot of Lake Huron to Lake Michigan at the mouth of Grand river.

In addition to these there were to be two canals connecting the eastern and western waters of the state. First, the Clinton and Kalamazoo canal, connecting the waters of Clinton river at Mount Clemens, with the waters of the Kalamazoo; and the Saginaw or northern canal (also known as the "Bad river canal") to connect the waters of the Bad river, a southern branch of the Saginaw, with the Maple river, the principal northern tributary of the Grand river, at a point thirty-two miles above the junction of the Maple with the Grand. It was the plan to improve and deepen the connecting rivers at both ends of the canal, so as to afford a practical navigation through from Saginaw bay to Lake Michigan by way of the Saginaw, Shiawasse, and Bad rivers, the canal, and the Maple and the Grand. The estimate for the canal, fourteen miles long, was $148,731. For improvement of Bad river, $60,000. For improvement of Maple river, $31,680.

Total estimate for the waterway, $238,240, toward which $62,000 was appropriated by the legislature.

To the southern route should be added the "Havre Branch Railroad," extending from the small hamlet called Havre on the north side of Maumee bay, in the extreme southeast corner of Monroe county, to the Erie and Kalamazoo railroad, with which it was to form a junction about thirteen miles west from Havre. This "branch" was acquired by the state from the "Havre Branch railroad company," incorporated in 1836 with a capital of one hundred thousand dollars. Havre, like Brest, Manhattan, and Gibraltar, all in the same corner of the state, is now only "the shadow of a name."

Then, most important of all, was the St. Mary's Falls Canal, designed to be a steamboat canal around the falls of the Saint Mary's river. This was planned to be 4,560 feet along, fifty feet wide at the bottom, and 100 feet wide at the water line, except where it was excavated through rock, where it was to be seventy-five feet wide at the water line. It was to have three locks, one hundred feet long and thirty-two feet wide.

The total cost of construction was estimated at $112,-544.80 and $80,000 was appropriated by the legislature.

When we call to mind the millions of dollars which have since been expended by the state and the nation to construct the canal and locks around the falls of the St. Mary's, we may partly appreciate the inadequacy of the conception of the men of 1837 in the matter of internal improvements.

Besides the proposed construction of all these railroads and canals, by the state, the legislature of 1837 also authorized the Board of Commissioners on Internal Improvement to cause surveys to be made for,

and to proceed to improve three of the largest rivers in the state:

First: The Grand river to be improved from its mouth to the mouth of the Maple river, near the village of Lyons in Ionia county. The principal feature of this improvement was to be a canal and locks around the Rapids, where the city of Grand Rapids now stands, then the village of Grand Rapids. Kent township then embraced the western part of Kent county and the eastern portion of Ottawa. The four counties of Ottawa, Kent, Ionia, and Clinton then formed one district and sent one representative to the legislature. A private corporation, "the Kent company," was engaged in constructing a canal with locks for passing the Rapids. The canal was designed to be eighty feet wide and four feet deep.

The total estimated cost of improving Grand river from Lyons to its mouth, ninety miles, was $67,309, of which $30,000 was appropriated by the legislature of 1837. Within the last few years hundreds of thousands of dollars have been expended by the national government to create a practical navigation as far as Grand Rapids, but the improvement is only fairly begun.

Next came the Kalamazoo river, which it was proposed to improve from Lake Michigan to the village of Kalamazoo, seventy-five miles. This was to be accomplished by clearing out the bed of the stream from the mouth to Allegan, and then by erecting twenty-one dams to produce slack-water navigation, from Allegan to Kalamazoo, a distance of thirty-seven miles.

The total estimated cost of this improvement was $125,924, of which only $8,000 was appropriated by the legislature in 1837, for plans, surveys, and a beginning of the work.

And, finally, the St. Joseph river was to be improved from its mouth to Union City in the county of Branch, a distance by the river's course of one hundred and sixty miles, of which one hundred and seventeen miles was within the State of Michigan, and the rest within the State of Indiana. The fall of the river between the two points was ascertained by the survey to be two hundred and eighty-five feet; and thirty dams and locks would be required for the improvement. The estimated cost of this improvement was $276,568.

These were the improvements to be undertaken by the state itself. The total length of the proposed improvements was 1,109 miles, and the total estimated cost thereof was nearly $8,000,000, and of this amount there was appropriated in 1837 the sum of $650,000, and by the legislature of 1838 $1,075,000, an aggregate of $1,725,000.

It must be borne in mind that in 1837 the entire population of Michigan was by many thousands less than the present population of the two counties of Kent and Ottawa, while the valuation of the property was not one-tenth of the assessed valuation of the single county of Houghton, in the then despised upper peninsula.

When these things are remembered, it discloses the amount of courage and faith, perhaps we ought to say the hardihood, it required in the men of 1837 to undertake such gigantic works.

Most of the wealth of that day consisted in farms, only partially cleared, and often unpaid for, and the produce of which, beyond the needs of the owner for present consumption, was almost valueless for the want of a market and the means of transportation; while except in the two southern tiers of counties the population was dispersed widely throughout the almost unbroken wilderness along the Grand, the Maple, the

Thornapple, the Looking-glass, the Shiawasse, the Flint, the Clinton, and the Black rivers.

But there were other enterprises which the state had in contemplation, although not definitely undertaken, but for which surveys had been made. These were canals from Union City to Homer, uniting the waters of the St. Joseph and the Kalamazoo, and another from the Kalamazoo to Dexter, connecting the Kalamazoo and the Huron. These were both favorably reported by the engineers.

These vast improvements were to be carried out by means of the "Internal Improvement Fund." This consisted, first, of the surplus revenue deposited by the general government, amounting to $286,751; the five per cent. received from the sale of public lands within the state, amounting to $151,800; state loans and some small miscellaneous receipts. The total received from all sources up to the end of 1837 was expended in the purchase of the Detroit and St. Joseph Railroad and in prosecuting work on that route. About $60,000 in all was expended on what may be termed engineering work, —surveys, plans, estimates, and reports of all the various undertakings. The total amount expended during the year was $415,618.75, according to the report of the Auditor General, leaving a balance January 1, 1838, of $208,225.74.

But great as were these undertakings by the state, they were only a part, and perhaps the smaller part, of the improvements which the people of Michigan had set themselves to create within a limited time out of poverty and great expectations.

Not less than twenty-four railroads and navigation companies located in all the settled parts of the state, running in all directions, and connecting nearly every village of any consequence with the main systems, were

projected to be constructed by private corporations chartered for the purpose.

It is possible to give here no more than a brief enumeration of these railroads, or the more important of them.

1. Among the oldest and best known was the *Erie and Kalamazoo* railroad from Port Lawrence (Toledo) at the mouth of the Maumee to the Kalamazoo river, chartered in 1833 with a capital of $1,000,000. It was expected to reach the Kalamazoo at Marshall, but was completed in 1836 only to Adrian, thirty-three miles. This railroad company had also banking powers, and the notes of the "Erie and Kalamazoo," were among the most common seen in Michigan from 1850 to 1860. This railroad ultimately became part of the Michigan Southern.*

2. *The Detroit and Pontiac* railroad company was chartered in 1834 with a capital of $100,000 to build from Detroit to Pontiac. It was built to Royal Oak, twelve miles, in 1837, and in operation to Pontiac in 1839, and at first it was operated by horse power. It ultimately became part of the Detroit and Milwaukee, now the Grand Trunk.

3. *The Romeo and Mt. Clemens* railroad company was incorporated in 1833 with a capital of $150,000. It was limited to six years for building, and its charter lapsed.

4. *The Detroit and Maumee* railroad company was incorporated in 1835 with a capital of $500,000, to build from Detroit to Maumee bay by way of Monroe. The road was never built by that company, but a road was constructed on the same line by the Detroit, Monroe

*An interesting account of this railroad may be found in the report of the commissioner of railroads for Michigan, for the year 1877.

and Toledo railroad from Detroit to the "air line junction," near Toledo. It is now a part of the Lake Shore and Michigan Southern system.

5. *The Clinton and Adrian* railroad company was chartered in 1836 with a capital of $50,000. It was ultimately built by the Michigan Southern as part of the Jackson branch.

6. *The Palmyra and Jacksonburg* railroad company was chartered in 1836 with a capital of $300,000. Its route was from Palmyra, Lenawee county, via. Tecumseh, Clinton, and Sandstone to Jackson, forty-six miles. The Michigan Southern afterward built over substantially the same route from Adrian to Jackson.

7. *The River Raisin and Lake Erie* railroad company was incorporated in 1836 with a capital of $300,000, to build from LaPlaisance Bay (near Monroe) via. Monroe to the River Raisin, and through Dundee to Blissfield where it was intended to connect with the Erie and Kalamazoo. The road fraudulently claimed banking powers and privileges, and the legislature of 1837 ordered proceedings commenced to forfeit its charter.*

Other railroads chartered may be listed as follows:

| Name. | When chartered. | Capital. | Length. |
|---|---|---|---|
| 8. Allegan and Marshall..... | 1836 | $400,000 | 56 miles |
| 9. Kalamazoo and Lake Michigan | 1836 | $400,000 | 40 miles |
| 10. Raisin River and Grand River | 1835 | $1,500,000 | 156 miles |
| 11. The Ypsilanti and Tecumseh.. | 1838 | $200,000 | 25 miles |
| 12. The Medina and Canandaigua | 1838 | $100,000 | uncertain |
| 13. The Monroe and Ypsilanti.... | 1836 | $400,000 | uncertain |
| 14. The Monroe and Ann Arbor. | 1836 | $300,000 | about 33 miles |
| 15. The Detroit and Shiawasse... | 1837 | $500,000 | 85 miles |
| 16. The Saginaw and Genesee... | 1837 | $400,000 | 40 miles |

*In the message of Governor Mason January 2, 1837, and in the report of the Bank Commissioner for the same year will be found some interesting information in regard to the "banking" of the River Raisin and Lake Erie Railroad company. It was one of the wildest of the "wild cats."

| | | | |
|---|---|---|---|
| 17. The Owosso and Saginaw Navigation Co. ..... | 1837 | $100,000 | uncertain |
| 18. The Constantine Canal or Railroad Co. ..... | 1836 | $250,000 | about 33 miles |
| 19. The Gibraltar and Clinton Railroad Co. ..... | 1837 | $400,000 | about 40 miles |
| 20. The Macomb and Saginaw.. | 1835 | $1,000,000 | about 90 miles |
| 21. The St. Clair and Romeo.... | 1836 | $100,000 | about 26 miles |
| 22. The Shelby and Belle River.. | 1836 | $100,000 | about 25 miles |
| 23. The Shelby and Detroit..... | 1834 | $100,000 | about 23 miles |
| 24. The Auburn and Lapeer..... | 1838 | $300,000 | about 30 miles |
| 25. The Mottville & W. Pigeon | 1838 | $100,000 | uncertain |

Very few of these were ever built under the charters so granted; but nearly every one of the points indicated are now (1905) connected by railroads built by some one of the great railroad systems, from twenty-five to seventy years afterward, when the state had grown great and populous, and its industries furnished a commerce adequate to the support of the roads. But the cost has been many fold greater than was estimated in those days of small beginnings.

In 1900 the entire cost of the Michigan railroads, including equipment, had exceeded a thousand million dollars. It will be noted that all these railroads were chartered and the system of improvements undertaken by the state prior to 1839. Meanwhile the financial and industrial crisis was sweeping the country east and west, carrying ruin and bankruptcy in its train. But the young Governor of Michigan did not despair. In his last annual message, addressed to the legislature, January, 1839, he said:

"It affords me the highest gratification to renew my congratulations on the successful progress of our internal improvements. Each division of the system has been prosecuted with an energy and activity highly creditable to those to whom they are entrusted.

The central road is under contract as far as Jackson, being a distance of seventy-miles from Detroit, and locations are now in progress as far as Kalamazoo, one hundred forty miles from Detroit. By the agreement with the contractor, that portion of this road between Ypsilanti and Ann Arbor should have been ready for the

iron rails as early as the month of October, but for some cause it is not yet completed.

On the southern road a commendable energy has been evinced; thirty miles of this road,—as far as Adrian,—will be ready for laying the iron early in the ensuing spring. It is under contract as far as Hillsdale, and the engineers are completing the final locations on the third division as far as the village of Branch. The Saginaw and Clinton canals are in active progress; the same may be said of the Northern railroad, which has been placed under contract for clearing and grubbing from Port Huron to Lyons.

The contract for the construction of the canal around the falls of the Sault Ste. Marie has been let, and the work itself will be commenced at an early day."

Thus did "hope spring eternal" in the breast of youth and inexperience. In a historical address delivered at Ypsilanti (the place of his birth) the late Lyman D. Norris said July 1874 "twenty-four chartered railroads undertook to create 1,011 miles of railroad."

. . . "But of all these railroads that promised so much under the stimulus of "wild cat" bank paper, none performed but the old 'Detroit and St. Joseph' and its successor the well-known Michigan Central, chartered as a private company in 1831, with a nominal capital of $1,500,000. The company had in good faith and under many adverse fates expended when it was sold to the state about $400,000 including rolling stock, it was (February 5, 1838) completed to Ypsilanti. Its receipts for the first four months and eleven days of its existence were $23,963.56. They nearly doubled that in the next two months, transporting nearly 10,000 passengers, or an average of 200 each working day. It reached Ann Arbor in October, 1839. This road was built on a continuous wooden rail or stringer of sawed timber. This rail was fitted into sawed ties and held to the ties in a trapezoidal groove by wooden wedges. On the top of this continuous stringer was spiked the old iron strap rail, when they had it, and when "they didn't a one and one-half by three inch oak ribbon nailed to the tie did duty in its place."*

The equipment of the Central was probably the best of any in the state. The wooden rail was the only one known on the railroads of the state at that time. They had not been entirely supplanted by the iron "T" rail in the early fifties. These old "strap rails" added greatly to the interest and excitement of travel by rail, by coming loose from the timber stringer and curling up under the weight of the car, and thrusting up through the floor. Such incidents were not infrequent

*1 Mich. P. & H. Col. 331.

but not usually fatal. The loose ends were called "snake heads."

The passenger coaches were at first simply large omnibuses on car frames. Later, a small, low-roofed passenger car, just high enough for a tall man to stand up straight in, that would seat about forty persons, took the place of the omnibus style, and were regarded as palatial.

These have gradually evolved into the modern high, elegant, electrically lighted, and truly palatial solid vestibuled train.

Practically speaking, the entire scheme of railroads with exception of what was saved out of the Central and Southern came to nought; and in 1846 the state closed out the last remnant of its railroads to private corporations, which pushed the Central and Southern lines through to Chicago by 1852. The railroad development of Michigan came almost entirely after the Civil War and belongs to a later period of this history.

The grand scheme of canals to connect the waters of the Clinton and the Kalamazoo and the Saginaw and Grand was no more fortunate than the railroad system. On July 20, 1838, "earth was broken" for the former at Mount Clemens on the bank of the Clinton river.*

There was a celebration, parade, and dinner. Governor Mason with a distinguished party went up by boat from Detroit. The party included Judge Ross Wilkins, United States Marshall Ten Eyck, and others.

The ushering in of the day is thus described by the correspondent of the "Detroit Journal and Courier:"

"At daybreak this morning a signal gun announced to the sleeping inhabitants of the 'Queen Village' the dawning of the 20th of July, 1838,—a day which will be recollected by the people of Michigan as the proud-

*5 Michigan Hist. Col. 471.

est that happened or can again transpire while her soil remains a component part of *terra firma.*"

Governor Mason lifted the first shovelful after a short speech in which he predicted the glorious results that were to follow the construction of the canal.* Judge Wilkins followed, and Col. James L. Conger, president of the day, then completed the loading of the first wheelbarrow load, and was so strenuous in showing off his strength and agility that in dumping the load he broke the wheelbarrow, which was declared by a spectator to be prophetic of the fate of the canal. The canal was excavated for a few miles in the direction of Utica, when this, like everything else, went down in the universal cataclysm. The ditch was for a time rented for a water power, and the tow-path used as a wagon road long after.

The Bad river or Northern canal shared the fate of all the other improvements. Its beginning, progress, and ending are thus described by Judge Albert Miller, former President of the Michigan Historical Society:

"A survey of the canal was made, and specifications prepared for the first section extending westward from the fork of the Bad river, and early in 1839 the contract for the construction of this section was let to the late Norman Little of Saginaw. . . . The work continued until August or September 1839, when the state failed to pay the contractors on its public works for the reason that the Morris Canal and Banking Company had failed before paying the state the full amount of the five million loan.

Our young state that had so recently started out to do business on her own account with such high hopes, and under such favorable auspices, was bankrupt, and so great had been the previous financial crash in mercantile circles that but few doing business in 1836 maintained their credit; so for a time we were almost literally a community of bankrupts, as well as a bankrupt state."†

Work on the Bad river canal ceased and was never resumed, and of all the many canals projected not one was ever completed and put in operation.

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*14 Michigan Hist. Col. 583.
†13 Michigan Hist. Col. 358.

It was a hard and bitter experience, but the whole will not be told until the history of the five million loan with its consequence has been recorded.

# CHAPTER VII

## The St. Mary's Falls Ship Canal and the Five Million Loan

BEFORE leaving the subject of internal improvements, it remains to record the fate of the most important of them all, the canal around the falls of St. Mary's river, —or to retain the old French form, the Sault de Ste. Marie.

This was one of the projects approved by the legislature, and for which it appropriated $25,000 in 1837, and $25,000 in 1838. In the last preceeding chapter, the proposed dimensions and estimated cost of the canal have been given.

It will be remembered that the governor, in his message of January, 1839, stated that "the contract for the construction of the canal had been let, and the work itself would be commenced at an early day."

His statement was correct so far as the letting of the contract was concerned, but the commencement of the work was fated to be delayed for many years in a most peculiar and unexpected manner. Before referring to the nature and manner of the obstruction to the work, a word is in place in reference to its importance. It is not necessary to say that no commerce of importance then existed with all that vast region around and beyond Lake Superior, except, perhaps, the fur trade. The fur companies' trading parties had portaged their canoes and batteaux around the falls; but otherwise the "Sault" was a complete barrier to all commerce with the Lake Superior region. It was not only a barrier to commerce, but to settlement. The settlement of that region was practically impossible until some means existed for bringing supplies to the communities that might be formed in the Upper Peninsula.

The Indian title had been extinguished to only a small part of that peninsula, but, in accord with the recommendation of the governor and legislature, it might be rea-

sonably supposed it soon would be. When that should be done, a great area of public lands belonging to the United States would come into market, and it was greatly to the interest of the United States to facilitate in every way communication with that region.

All the country to the westward of Lake Superior was in like condition, and the St. Mary's was the natural avenue of approach to the region now constituting the State of Minnesota and the other states beyond. The St Mary's river was also the national boundary; and a military post known as Fort Brady, had been established at the falls.

The St. Mary's Falls canal, therefore, assumed all the characteristics of a national work, and Michigan had memoralized Congress for an appropriation for its construction on that ground; but the Congress had thus far turned a deaf ear to their appeal. The officials of the state had good reason to suppose that they would receive not only the sympathy, but the actual aid of the federal administration in the accomplishment of this most important improvement.

Accordingly the contract was let in the autumn of 1838, and the state made advances from the appropriation so that the contractors might collect men, machinery, and material, ready to commence operations as soon as navigation should open in the spring of 1839. The Board of Commissioners on Internal Improvements had approved and adopted a plan for the canal, which plan was known to the United States officers in charge at the "Sault," and that the adopted plan would interfere with a certain mill race, pertaining to an old mill, then not in use, which, it seems, was in some way under the control of the military at Fort Brady, though it was not on the military reservation nor outside the jurisdiction of the state.

On the 9th of May, 1839, the contractors arrived at the falls, ready to commence operations, when they were met by an acting assistant quartermaster from Fort Brady with a squad of men, and served with a letter from the secretary of war, dated on the 6th of March, 1839, in answer to one from the said officer, forbidding any interference with the aforesaid mill race. The secretary of war was then Joel R. Poinsset, of South Carolina, who appears to have had very vague and indefinite ideas of the relative importance of an old mill race and a ship canal on a great national highway which now carries a greater commerce than any other water-way on the face of the earth.*

The war department had been notified of the plans of the Commisioners of Internal Improvement almost four months before, and yet had taken no step to advise the state authorities of the objections of the department to the construction of the canal.

But when the contractor informed the acting assistant quartermaster of his contract with the State of

*To show the enormous dimensions to which this commerce of the canal has grown, the following table of the shipments for the years 1904 and 1905 is appended.

Tonnage for the Season.

The tonnage record for the season, compared with that of 1904, is officially reported as follows:

| | 1904. | 1905. |
|---|---|---|
| Coal anthracite | 991,228 | 984,701 |
| Coal, bituminous | 5,463,641 | 5,524,355 |
| Flour, barrels | 4,710,538 | 5,772,719 |
| Wheat, bushels | 49,928,869 | 68,321,288 |
| Grain (other than wheat) | 33,030,992 | 39,229,553 |
| Mfd. and pig iron, net tons | 229,985 | 237,696 |
| Salt barrels | 365,459 | 423,122 |
| *Copper,* net tons | 109,605 | 106,520 |
| *Iron* ore, net tons | 19,635,797 | 31,332,637 |
| Lumber, M feet, board meas | 923,280 | 966,806 |
| Silver ore, net tons | 1,356 | 41 |
| Building stone, net tons | 27,093 | 10,889 |
| General mdse., net tons | 732,009 | 836,583 |
| Total freight, net tons | 31,546,106 | 44,270,680 |

Michigan, and attempted to commence work, he was driven from the ground by military force and actual violence.*

Thus was an end put to this great national improvement, not to be resumed until 1853, when, after the discovery of copper and iron ore in vast quantities in the Upper Peninsula, Congress came to recognize the important character of the proposed work, and in 1852 appropriated 750,000 acres of public lands for the construction of the great canal and locks, which were completed in 1855.

Judge J. V. Campbell in his *Political History of Michigan,* in speaking of this episode, loses that judicial calm and reserve which usually characterizes all his writings, and says: "This unjustifiable outrage put an end to the work and postponed the building of the canal nearly fifteen years. It was brought before the legislature repeatedly by the State Executive, and in 1840 when it was first presented with a very indignant message, by Governor Woodbridge, and the facts fully investigated and reported on by a committee, the legislature, by a joint resolution declared their opinion that the course of the government authorities was "unwarranted by the constitution of the United States and a violation of the rights and sovereignty of the State of Michigan," and that as an act of justice the government was bound to repay to the state its advances and damages, and directed that the state delegation in Congress be requested to take proper action in the premises."†

Again the indignation of the great Chief Justice, who adorned the bench of the Supreme Court of Michigan for almost a third of a century blazed out, when he

*For details see 2 Senate Documents 1840, page 589 and following, and affidavits at pages 592, 593, 594.

†p. 505.

denounces "the official *insolence* which paid no attention to notifying the state authorities, and gave them no opportunity for delaying their appropriations or removal of the difficulties."*

Before it was possible for the state officials to overcome this most unexpected check on building the ship canal, came the failure of the Morris Canal and Banking Company on which the state was dependent for the funds with which to go on with the work. In September, 1844, the great iron deposits of the Marquette region were discovered by a surveying party under William A. Burt, the inventor of the solar compass, through the variations of the magnetic needle;† in 1845 the Jackson Mining company was organized at Jackson to explore and develope the mineral resources of the Upper Peninsula, and opened the first iron furnace in that region.§ There was now great excitement throughout the country over the great discoveries of copper and iron and the rage for making mineral "locations" in the Lake Superior country equalled the great "land craze" of 1836.

Machinery and men as well as supplies must be brought in, and the clamor for a canal around the falls now came not only from the poor State of Michigan, but as well from the rich capitalists and corporations of the older states. A "lobby" was sent to Washington with the result before noted that in August, 1852, under the administration of President Millard Fillmore, Lewis Cass, and Alpheus Felch, being Senators of Michigan. Congress granted 750,000 acres of land to be located in either peninsula, for the construction of the ship canal.

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*p 506.
†8 Michigan Hist. Col. 147.
§8 Michigan Hist. Col. 147, Hon. Peter White.

John Burt, of Detroit, son of William A. Burt, discoverer of the iron deposits, was one of those who labored unceasingly and effectively to this end; and Charles T. Harvey, who became the engineer and superintendent of this first Saint Mary's ship canal, secured the organization of a New York corporation, for the purpose of building the canal, which received from the state the land grant in payment. The corporators were Erastus Corning, John F. Seymour, James F. Joy (of Detroit), J. W. Brooks, J. V. L. Pruyn, Joseph P. Fairbanks, and John M. Forbes.

The construction of the canal cost a trifle less than a million dollars. The work was commenced June 2, 1853, and pushed with such energy and intelligence that in May, 1855, it was opened for commerce. This first canal had two locks 350 feet in length and 100 feet in width, and thirteen feet in depth on the mitre sills. When constructed it was the largest and best ship canal in the world.

The builders were well rewarded, for the land grant was located with great care and good judgment on some of the finest mineral and timber lands in the state. For many years afterward to say that any certain lands—especially if they were pine lands—were "canal lands" was equivalent to saying that they were of the very best. Two great locks were afterwards built at the "Sault" by the United States government, commonly known as the "Weitzel lock" and the "Poe lock;" from the names of their engineers, General G. Weitzel and General Orlando M. Poe.

The wonder now is that the United States government did not at once recognize, in 1839, the vast importance of this national water way.

There is another subject inseparably connected with the general era of *Internal Improvements* and that is

"the five million loan," which proved a great pit-fall to the governor and the state, and the memory of which with unsavory odors, has descended to successive generations.

On the 21st of March, 1837, the governor approved the act authorizing a "loan of a sum not exceeding five millions of dollars." This act became a law on the same day as the ship canal act; and it was out of this loan, in part at least, that the canal was to be built.

By this act the negotiation of the loan was entrusted to the governor, with the limitation that it should bear interest at not more than five and a half per cent. and should run for twenty-five years, and be payable in the United States.

When the attempt to negotiate the loan upon these terms had proved unsuccessful, the rate of interest was raised to six per cent., and was authorized to be paid in Europe at a fixed rate of exchange.

At this time Michigan's financial reputation was at low ebb on account of the wretched record made by wild cat banking and conscienceless town site speculations. In addition to the "five million loan" the legislature authorized other loans to an aggregate amount of $200,000 in aid of railroads and other purposes.

The bonds were in due course of time prepared in New York, and in the early part of May, 1838, Governor Mason proceeded to that city to negotiate the loan; $5,000,000 was then a pretty large loan for a state just starting out, without any state institutions or reliable revenue above the actual current needs of the state government. Moreover, the resources of the state, especially in mineral wealth, were then entirely unknown, and the loss of prestige through wild cat paper issues, made the placing of so large a loan a difficult undertaking.

Notwithstanding this, it is probable that an able and experienced financier, one who by age and expert knowledge would command confidence, might have successfully placed the loan.

But Governor Mason, who commanded the confidence of his party associates in the legislature and the loyal admiration of the mass of the people whose cause he had championed, was wholly inexperienced in large financial matters, and by reason of his youth and lack of expert knowledge failed to be able to cope with the more shrewd and astute parties with whom he had to deal. Under these conditions it was his misfortune to fall into the hands of the Morris Canal and Banking Company, a corporation organized under the laws of New Jersey, but doing business in New York City. This company afterward turned out to possess a striking family likeness to the Michigan "Wild Cat." It was probably some variation, by "natural selection," of the *"Lynx Rufus."* With this New Jersey corporation he entered into a contract June 1, 1838, to make that company the agent, irrevocable, to negotiate the $5,000,000 loan and also $200,000 of other bonds to be issued for specific purposes.*

All these bonds were to be sold either in Europe or America, according to the discretion or indiscretion of these agents, for which sales the Morris Canal and Banking Company was to receive a commission of two and a half per cent., and also one-half of any premiums realized not exceeding five per cent., and the entire amount of whatever premium might be realized above five per cent.

In consideration thereof the Morris Canal and Banking Company undertook upon its part to bear all the expenses of the transaction and to guarantee that the

*For details of Contract see House Journal 1839, p. 665.

proceeds, net, to the state, should not be less than the par of the bonds.

It also undertook and agreed to pay over to the state the amount of the bonds, less commissions, in regular installments whether the bonds had been sold or not; but reserved the right to retain in possession not less than a million dollars of the bonds, if so many remained undisposed of.

The company was also granted an option to take the entire issue themselves, on thirty days' notice, paying par, less their commission.*

On this basis the governor delivered over to the Canal Company $1,300,000 of the bonds upon the promise that a quarter of a million dollars was thereupon to be paid in cash, and the remainder, less commissions, to be paid on the governor's order as called for. The remaining $3,700,000 was to be paid in quarterly installments, at the rate of a million a year, from and after July 1, 1839; which would bring the final payment in 1843, and would give the state the funds as fast as needed to carry on the various improvements proposed. In the meanwhile the interest would be running on the bonds at the rate of six per cent., in itself a very large amount, but which seems to have been wholly overlooked in the contract.

An expert financier would certainly not have overlooked so large a matter as from $60,000 to $300,000 a year during a period of five years.

Remarkable as was this contract it was not so singular as the one which followed three days later. The $250,000, which was to have been paid over in cash was not paid; but, instead, the governor, on his own responsibility, made an entirely new arrangement, whereby the entire amount of $1,300,000 of the bonds

*See Contract, House Journal, 1839, p. 667.

was placed to the credit of the state on the books of the Morris Canal and Banking Company, as a full payment of that amount of bonds, he agreeing to take the full amount thereof in the bank notes of that company, and pay them out as cash in Michigan, thus aiding the bank in getting its bills in circulation. Under this new arrangement$250,000 of these notes were to be turned over on the first of August, 1838, and the remainder at the rate of $100,000 per month until the whole sum of $1,300,000 should be thus "paid."*

It seems probable that the delay until August 1, instead of "spot cash" was to give the Morris Canal and Banking Company time to have the "currency" manufactured and signed by the officers.

But the Michigan financiers had not yet "touched bottom." On July 14, John Norton of Detroit, the "fiscal agent" of the state, agreed with the Morris Canal and Banking Company, instead of payments in bank notes as above, to accept drafts of the company at ninety days, which were to be taken as "cash." This gave the company three months additional interest on the entire $1,300,000, without any consideration, certainly a most remarkable financial transaction.

This was bad enough, but there was yet a lower depth. The following November the entire issue—or the remaining part of the $5,000,000—was turned over to the Morris Canal and Banking Company with no other payment or security than the corporate obligation of that wild cat concern for one-fourth of the installments, and the undertaking of the United States Bank, a Pennsylvania state corporation, for the rest. (H. J. 1839, 672).

In little more than a year the Morris Canal and Banking company, as might have been forseen of a concern

*House Journal, 1839, 668.

that made such shifts and twists in respect to its obligations, made default in its payments, having first got all the bonds out of their possession, and into the hands of "innocent" holders.

In order to get some sort of security for a part of the debt the state officials (Governor Mason had gone out of office, wrecked upon this same financial transaction) gave the company an extension of time of payment until 1844; and long before that date arrived, the Morris Canal and Banking Company was bankrupt, and the state helpless.

The United States Bank also made default in its payments, and the state issued state scrip receivable for taxes and other state dues, which being in the similitude of bank notes, circulated as currency. An attempt to recover possession of the unpaid bonds did not succeed, and the "Part Paid Bonds," for which the state had received only a fraction of their face value, were an outstanding obligation of the state for years, until in 1846, provision was made for the cancellation of a large part of them by receiving them in payment of the purchase price of the Central and Southern railroads, when these roads were sold by the state to private corporations.

The whole transaction was a very bitter experience to the people of Michigan; and the financial loss, direct and indirect, was very great; but not so great as the loss of reputation and prestige from which the state did not wholly recover until after the adoption of a new constitution; and a great political upheaval had put the management of affairs in the hands of men who had not controlled their conduct during the days of wild cat banks, five million loans, and state internal improvements.

Some of the most serious and important lessons of

this epoch were embedded in the constitution of 1850, in Article XIV, Sections 3, 6, and 9.—The latter section reads: "The state shall not be a party to or interested in any work of internal improvement, or engage in carrying on any such work, except in the expenditure of grants to the state of land or other property."

On the assembling of the legislature in January, 1839, Governor Mason in his annual message gave his version of the negotiation of the "Five Million Loan," and of the causes which led to its failure. It is only just that the substance of his defense should be embodied in the history of that time, especially as the voice of Governor Mason was forever silenced only three years from that time.

# CHAPTER VIII

## Governor Mason's Second Term

ON Monday, January 1, 1838, the third legislature assembled. Many of those who had been prominent in the last legislature were absent from this. Whipple (Wayne), was on the supreme bench; Felch was bank commissioner; Lothrop was commissioner of internal improvements.

But another group of able and afterward distinguished men appeared. From Wayne, to the house, came Jacob M Howard and Alexander W. Buel; from Monroe, Robert McClelland; from Livingston, Kinsley S. Bingham, all destined to become notable names in Michigan history. In the senate were William Woodbridge and John S. Barry, both to be governors of Michigan.

On the first day of the session a special committee consisting of Kinsley S. Bingham and Jacob M. Howard was named by the house to inform the senate that the house was ready to meet the senate in joint convention and canvass the vote for governor and lieutenant governor.*

The conjunction of these two names was so remark-

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NOTE.—*Kingsley S. Bingham* was born in Camillus, N. Y., Dec. 16, 1808, moved to Michigan in 1833. Settled in what was then a part of Washtenaw County, afterward organized as Livingston County. Held several local offices. Elected to the State Legislature in 1836, and again in 1837. Was Speaker of the House in 1838 and 1839; elected to the 30th Congress as a democrat, and reelected to the 31st Congress; was a "Wilmot Proviso Democrat;" 1854 elected first Republican Governor of the state; and was reelected in 1856-8. Elected United States Senator in 1859, and served as such until his death October 5, 1861, at Green Oak, Livingston County, Michigan.

*Jacob M. Howard* was born in Vermont, July 10, 1805. Graduated at Williams College, 1830. Studied law. Removed to Michigan in 1832. Admitted to the bar 1833; elected to the Legislature 1837. Member of Congress 1841-1843. Elected first Republican Attorney General 1854 on same ticket with Kinsley S. Bingham; re-elected 1856 and 1858. 1862 elected to the United States Senate as *successor to Kingsley S. Bingham,* deceased; re-elected Senator for term 1865-1871. Died suddenly at Detroit, April 2, 1871.

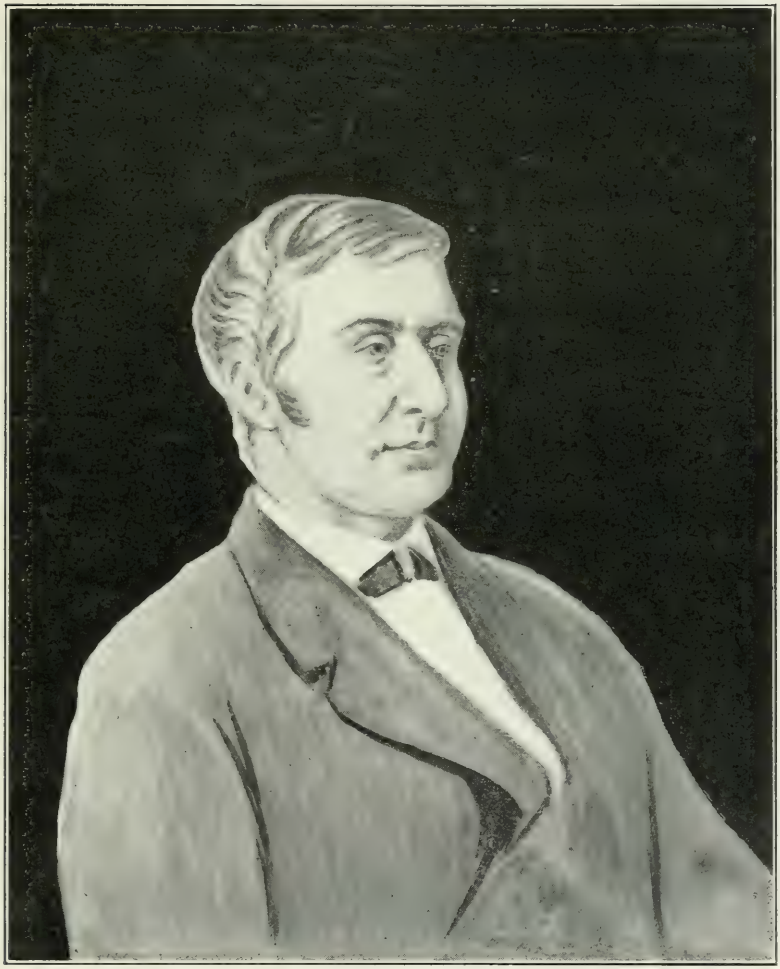
able in view of subsequent events that it is of historic interest to point out their relation. Mr. Bingham was then a young man of thirty, while Mr. Howard was three years his senior.

Bingham was a democrat; Howard a whig. Both were elected to Congress as representatives. Both participated in the organization of the Republican party at Jackson, Michigan, July 6, 1854. Howard wrote the first Republican platfrom, on which he was elected attorney general at the same time that Mr. Bingham was elected the first republican governor. Bingham was elected United States Senator in 1859, but died in 1861, and thereupon Jacob M. Howard was elected his successor.

A canvass of the votes showed that Stevens T. Mason had received for governor 11,268 votes and Charles C. Trowbridge (whig) 11,031 votes; that Edward Mundy for lieutenant governor had received 11,226 votes and Daniel S. Bacon (whig) 11,104 votes. Therefore Stevens T. Mason and Edward Mundy were declared duly elected, by the unanimous resolution of the joint convention.

On January 3 Kinsley S. Bingham was elected Speaker of the House. On January 4 the governor sent his annual message to the legislature. The message was long, but only a few points require special notice.

He first congratulates his fellow citizens on all the common blessings which the state and the country enjoyed. It reads like a thanksgiving proclamation. He hopes that the crisis in the pecuniary embarrassment of the country has passed, and that the return of the season of business will restore the usual state of prosperity; speaks of the political excitement produced by the present condition of the country, but rejoices that though



JACOB M. HOWARD

the government may have been shaken, "it stands erect, preserving social order and maintaining the supremacy of the laws."

He mentions the deficiency in the receipts of the treasury to meet the ordinary expenses of the government, and discusses how this may be overcome. He says: "It behooves us, then, to exercise the most rigid economy in our expenditures." "They (the people) "demand from us prompt attention to their affairs, short sessions and economical expenditures."

He refers "with satisfaction" to the progress in works of internal improvement. The expenditures on the first day of December had been $322,321.42, leaving a balance in the fund of $116,230.07. He explains that these expenditures embrace the entire cost of "survey of the Northern, Southern, and Central railroads, the survey of the Havre Branch, the reconnoisance of the St. Joseph, Grand, and Kalamazoo rivers, the survey of the Clinton, Saginaw, and St. Mary's canals, the construction of the road, and the purchase of the materials and machinery on the route from Detroit to Ypsilanti, and the sum of $139,802.79 paid on account of the Detroit and St. Joseph railroad company." "Under the act of the legislature authorizing a loan of five millions of dollars for purposes of internal improvement, I have made such arrangements as will enable the state readily to command any portion of the amount to be loaned as our wants may require."

How greatly in error the governor was in this statement, it is probable that he did not then suspect. It is a part of that irrepressible optimism which belongs to youth and inexperience. But a little farther on he expresses "doubts of the policy of encumbering our finances with any *additional* improvements to those already directed."

He discusses at considerable length the great comparative importance of agriculture, and the desirability "to facilitate to them, [farmers], the advantages derived from the researches of science, and the discoveries and improvements of the age. With this object in view I would recommend the creation of a board or society, whose duty it would be to foster and encourage this great source of national prosperity and independence."

It may have been due to this suggestion that the State Agricultural Society was organized, and held its first fair in 1839.

Of the University, he says that the Regents have "directed the immediate organization of four branches of the University as preparatory departments of the main institution." "The branch at Pontiac is now in successful operation." "It is their desire to open the University proper at Ann Arbor, for the reception of students, on the first Monday of September of the present year."

But this desire was not realized on account of the want of funds and buildings; and that institution was not opened to students until three years later.

He next discusses education, closing with the injunction: "Educate every child in the land."

He dwells upon the banking law and the bank system of the state. He insists that "the principles under which that law is based *are certainly correct,* destroying as they do, *the odious features of a bank monoply,* and giving equal rights to all classes of the community."

But he admits that "in the practical operation of the law there is much evil to apprehend."

"By the act of June 22, 1837, the banks had extended to them the privileges of an exemption from specie payments until the 16th day of May next. *Under no circumstances should the provisions of this act be extended* beyond that period. It is due to the character of the

country that specie payments should be at once resumed." . . .

"In connection with the subject of banking, I beg leave to call your attention to the act of the legislature authorizing a *loan of five millions of dollars,* for purposes of internal improvements." He discusses the sinking fund to provide for the interest and principal of the loan, and broaches a magnificent scheme for a great *state bank,* based upon the loan, so that the state could manage its own investments, and "have an agent with ability to manage the financial operations of the state." He proceeds to elaborate this scheme, advocating that the capital should not exceed the amount of the loan, and the charter continue for the period for which the loan was made.

But this grand scheme for a state bank did not take a strong hold upon the legislature, and it remains to this day, an unrealized ideal. Incorporations for trade purposes are deprecated; the repeal of usury laws is advocated; the geological survey commended, and increased appropriation recommended; attention to the completion of the penitentiary is urged, and reference made to the conflict between state locations of land and private preemption claims, and to the progress in the revision of the laws.

He renews his recommendations for the abolition of imprisonment for debt, and strongly urges the need of reorganization of the militia and the creation of a school of instruction for officers.

The message concludes with the assurance of "diligent and faithful cooperation in the accomplishment of every measure conducive to the well being and happiness of the people of Michigan."

The reading of this message impresses one that it does not fairly and fully present the condition of the affairs of

the state, nor fairly reflect the minds of the body of the people at that time. Distrust, growing out of the disastrous collapse of the banking system, and the failure to realize on the five million loan, were gradually undermining the governor's hold on the hearts of the people, as was to be demonstrated in the next year.

The legislature continued in session from the first day of January until the 6th of April, and during the interval passed one hundred twenty-six acts and twenty-three joint resolutions. The range of legislation was very wide. A bounty was provided on the killing of wolves, and a bounty of two cents a pound on the manufacture of *beet sugar*.

A loan of $800 was authorized to Bethuel Farrand to enable him to procure machinery for the manufacture of *silk*. About a hundred new townships and two additional counties, Ionia and Van Buren, were organized; a very large number of additional state roads were provided for; and numerous villages incorporated. A number of new railroads were chartered, and many rivers authorized to be dammed.

The reorganization of the militia was provided for; an appropriation made for paying the militia called out to guard the frontier during the "Patriot War," and to repair and clean the arms injured in that conflict; the penitentiary was located at "Jacksonburg," and the name afterward changed to Jackson, and commissioners appointed to commence the building of the prison, by convict labor.

The geological survey was thoroughly reorganized in four departments,—geological, zoological, botanical, and topographical; with provision for the deposit of specimens with the University and branches; and $12,000 a year appropriated for the survey. A loan of $100,000 was made to the University in "State Stock,"

redeemable in twenty years and bearing interest at six per cent;—this to erect the original University buildings at Ann Arbor. The state salt springs were to be improved and two salt wells bored.

Among the acts of incorporation were those to incorporate the *village* of *Grand Rapids,* "in the township of Kent," an act to incorporate the "Gibraltar and Flat Rock Company," "for the purpose of *building a city*" "at the mouth of the Detroit river and Flat Rock on the Huron river;" to incorporate the Medina and Canandaigua Railroad (four miles long).

An act to incorporate the Ypsilanti and Tecumseh Railroad company, and by another act a loan was made by the state to this same company of $100,000.

Among acts of state importance was one transferring $80,000 from the internal improvement fund to the state treasury; an act making appropriations for internal improvements as follows: Central road, $350,000; Southern road, $350,000; for the Northern railroad $60,000; for the Clinton and Kalamazoo Canal, $205,000; for Saginaw Canal, $47,000; for improvement of Grand and Maple rivers, $30,000; for Kalamazoo river $8,000; for the Ste. Marie Canal, $25,000, making a total of $1,075,000 for internal improvements.

Affecting the burning question of banking, an act was passed suspending the operations of the General Bank Act of December 30, 1837, for one year. The state treasurer was empowered to receive the notes of all specie paying banks as cash in payment of taxes; the state was redistricted under the census of 1837 for senatorial and representative districts.

Joint resolutions provided among other things for very full and particular reports from all state banks; directing the commissioners of internal improvements to suspend the letting of contracts on the "Havre

Branch" until the 16th of April; providing for furnishing the Journal of Education, (founded by Superintendent Pierce), to all school-boards and school-inspectors; providing for the distribution of the revised statutes; ("Fletcher Code"); and extending the time for printing the same to August 1, 1838. The Fletcher code was brought down to the adjourned session of 1837.

Having thus covered the ground and done what they could to stay the oncoming tide of disaster, the legislature of 1838, on April 6, adjourned *sine die*.

An examination of the acts of this legislature will disclose the same ferment of energy, hope, and haste to build a state at once, as had characterized its predecessors.

On the questions of banking "the burned child dreaded the fire." On internal improvements they showed a disposition to concur with the governor's advice, not to "encumber the state finances with additional improvements."

The minority party in the legislature, always a most desirable and wholesome influence, was largely on the increase, and approaching the point where the balance of power would change.

On the first Monday and Tuesday of November, 1838, the fourth legislature of Michigan was chosen, and assembeled in pursuance of the constitution on the first Monday of January, 1839.

# CHAPTER IX.

## Governor Mason's Last Year.

THE fourth legislature met at Detroit January 7, 1839. Thirty counties were represented. Among the notable names were (in the house) Daniel J. Bacon from Monroe; from Lenawee, John J. Adams; from Berrien, Thomas Fitzgerald; from Livingston and Ingham, Kinsley S. Bingham. In the senate were William Woodbridge, S. V. R. Trowbridge, J. Wright Gordon, Warner Wing, and William L. Greenley—all prominent in the annals of the state.

On the 8th Kinsley S. Bingham was elected speaker by a vote of twenty-nine to nineteen for Daniel S. Bacon. The same day the governor's message was received and read. Governor Mason appears to have already decided not again to be a candidate.

During the past year he had spent much time in New York, and possibly his mind was already contemplating a removal. Then, too, the magnitude of the contemplated internal improvements and the embarrassments and entanglements of negotiating the five million loan among the experts of New York City, had proved too great an undertaking for the unexperienced young man.

As this was the last general message of the first Governor of Michigan, no history would be fair or impartial that did not give a hearing to his defense of the things for which he had been mercilessly censured by his political opponents, and by many of his own political party.

The opening words of the message conveyed to the legislature and to the people his purpose not again to be a candidate for the governorship. He says:

"Addressing to you the last annual communication I shall be called upon to present to the people of Michigan, it is a source of unfeigned gratification to be able to

congratulate you on the prosperous condition to which our rising commonwealth has attained." "Our people have been favored with general health, rich rewards have been gathered in the fields of agriculture, and in every branch of trade, industry and labor have been crowned with unexampled success." He then speaks of the general prosperity of the country, and the importance of the duty of the legislature, to continue and perpetuate that prosperity. Refers to the state of the treasury and the deficiency of the revenues, greatly to be regretted, through the neglect of those charged with the collection of the taxes.

"It affords me," he says, "the highest gratification to renew my congratulations on the successful progress of our works in internal improvement. Each division of the system has been prosecuted with an energy and activity highly creditable to those to whom they are entrusted."

After speaking of the expenditures upon the several works of improvement, he states that the estimated cost of the works undertaken will amount to $7,794,430, exclusive of rolling stock and machinery; and expresses the fear that even "this will fall short of the actual cost of these works, and with such apprehensions it will behoove the legislature to guard with scrupulous care the fund assigned to this branch of the government."

This brings him to the consideration of the "five million loan," around which had centered much of the discussion and bitterness of the preceding election campaign. Only brief extracts from the governor's statements can be embodied here, and the rest must be summarized.

"Immediately on the enactment of the law authorizing this loan," he says, "its exclusive negotiation was placed in the hands of a competent agent in the city of New York," with the expectation that the loan would be

readily negotiated; but owing to the embarrassed state of the money market and the overstock of the European market with American securities, this expectation was not realized. The receipt in London of the amended law fixing absolutely the rate of exchange, broke off the negotiation and compelled the refund of $150,000 already advanced by the agent. To show that the negotiation was in competent hands, he states that it was entrusted to the house of Prime, Ward and King, of New York City, at the time a leading house of brokers and financiers.

He then quotes extensively from the report of Mr. King to show that the failure of the loan was on account of defective legislation. The insuperable obstacle was the fixed rate of exchange at $4.44 per £ sterling, and the failure to make the principal payable in London. Mr. King concludes "The rate in London for a Michigan loan of six per cent, interest and principal payable in New York, would probably be $95.40, without allowance for commission and charges." But the law did not allow its negotiation under par.

The foreign loan having been thus defeated, the bonds were thrown back on the New York market. Under these circumstances, he says, five hundred thousand dollars of state bonds were sold to a gentleman of Detroit (Mr. Newbury), on which $200,000 was paid, but the remaining $300,000 were returned to the state owing to the inability of the purchaser to meet payments. Next a contract was entered into May 7, 1838, "with a gentleman of the city of New York, whose financial relations justified the expectation that he could command the ability to meet his engagement." On this $80,000 was paid, but this like the last, had to be cancelled through the inability of the contractor to meet his payments. Confronted with the alternative of the

failure of the state internal improvements, he next turned to the Morris Canal and Banking Company, and closed a contract for the entire five millions of state stock and also that issued to the Ypsilanti and Tecumseh and the Allegan and Marshall railroad companies.

The Morris Canal and Banking Company was to take the entire loan at par, though the contract is "shaped as an agency." "This feature of the contract was urged from the fact that as Michigan stock, introduced into the market through other sources, had sold as low as ninety-three or ninety-five cents on the dollar, the Morris Canal and Banking Company were apprehensive that in the first disposition of this loan, they should be compelled to sell below the par value of the bonds." "As the law forbade a sale at a less rate than par, provision was made for a commission under an agency the company guaranteeing to the state the different installments whether funds were realized in the sale of the bonds or not."

"Under this negotiation $1,300,000 have been paid into the state treasury.

Drafts of the company was substituted for their bank notes, "from considerations connected with our currency at home."

"Under these embarassing circumstances, the Morris Canal and Banking Company have closed the entire negotiation by a sale of $3,000,000 of the stock to the Bank of the United States."

"The great and unexpected accumulation of American securities offered at low rates" in the European market, and the return of American securities from that market are given as the reason for closing this sale to the United States bank, the market rate for Michigan bonds, in comparison with sterling six per cent. bonds, being only ninety-two cents on the dollar.

Summed up briefly, the failure of the negotiation was due.

1. to the defective law, which did not provide for payment in Europe of the principal, and fixed an arbitrary rate of exchange, and forbade the sale at less than par, thus making such sale practically impossible.

2. The great glut of American securities in the European market, and the low ruling of sterling bonds in New York, as well as the return of large amounts of American securities from Europe.

3. The financial embarrassment and demoralization in all parts of the country, and especially in Michigan, on account of our peculiar banking system.

Concluding this explanation and defence the Governor adds: "The negotiation of this loan was committed to the Executive contrary to his sense and opinion of what was due to the public interests. At the last session of the legislature he earnestly recommended by a special message, the appointment of loan commissioners; he stated his inability to devote the proper time to the duty imposed upon him; and above all urged that it was wrong in principle to entrust such heavy interests to the uncontrolled discretion of one individual, when no corresponding securities to the state existed. Whilst the commissioners of other states devote their undivided exertions to the negotiations of their loans, and are present a greater part of the year at the theater of their operations, the time of the executive of this state has been too much divided between the ordinary duties of his office and his negotiations abroad to secure a proper attention to the important trusts committed to him. . . . With such views and sentiments I must again urge upon the legislature the absolute importance of transferring the management of this loan to other hands."

We have dwelt at so much length upon this feature of

the governor's last message, first, because the five million loan was in itself one of the most important events in the early history of the state; second, because it was undoubtedly the cause of the downfall of the first governor of the state, and, as many believe, was the cause of his finding an early grave among strangers, far from the land he had loved and labored for, and, more than all, because it is a phase of the case which is not presented, unless in the most casual manner, in most of the existing histories of Michigan.

Governor Mason has been freely criticised and condemned, but has not been heard at the bar of history in his own defense. But the unanimity with which Michigan, two-thirds of a century afterward, took action for the removal of the remains of her "Boy Governor" to her own soil, and the honor with which she lovingly received them to her embrace, suggests that judgment has been reversed, and a new trial granted.*

Concluding this portion of the message, he says: "But as there are many circumstances connected with this negotiation which admit of explanation, and which have, perhaps, in the excitement of a political contest, received an unjust application, I would recommend the appointment of a committee to investigate all such matters as present an unfavorable aspect to any portion of your body. For myself, I court the most rigid inquiry,—nay, I demand it at the hands of this legislature."

We are far enough away in this new century from the party asperity of seventy years ago, and from the necessity of a scapegoat for the sins of improvident legislators to do justice to the memory of Stevens Thomson Mason.

There is something pathetic and at the same time

*See appendix Vol. 2.

manly and convincing in the words in which he concludes this his farewell message, and they deserve in justice to be transcribed to the page of history.

"The present is in all probability the last occasion I shall have of communicating with the representatives of the people of Michigan, and I cannot refrain from an expression of gratitude to the great body of my fellow citizens for the repeated manifestations of favorable regard they have extended to me. Though sensible that my exertions have not met with the success I could have wished, yet I trust they will be considered as having been directed by an earnest desire for the public good. And if my official relations to the people of Michigan have been attended with any injurious consequences to their interests, I am consoled by the persuasion that those evils will find their correction in the patriotism of the legislative branch of the government, and in the wisdom of those who may succeed me."

In order to present this crucial and personal aspect of the message we have for the time passed over other important recommendations which may be summarized as follows: The banks should be regulated and controlled, not destroyed. "The banks have their rights and should be protected in them; but they are not above all law human and divine." "As has been justly declared, if all the pretensions of these corporations are acknowledged, it is elevating the money power above all others, above thrones and principalities, laws and constitutions." He renews his recommendations of a *State Bank,* before made to the previous legislature and urges his arguments by the lessons of experience; recommends that the duties of the superintendent of public instruction be divided, and the financial part entrusted to an assistant to be provided.

Of the University he says five branches have been

established, at which one hundred sixty-three "youths" are in attendance, and recommends that the seventy-two sections of land attached to the "salines" be set apart for the support of the branches; a loan of $100,000 has been effected for the purpose of constructing University buildings, and a plan for the building adopted; again he discusses the general subject of education, and commends the progress already made; refers to the geological survey, saying that from this source the anticipation of benefits to the state are about to be fully realized. Commends the agricultural interests to the care of the legislature; reports the progress of the state prison, and recommends that legislative authority be granted to transfer prisoners from county jails to the prison; urges the separation of the functions of the circuit and supreme courts, so that the judges of the latter will not be called on to review their own decisions when sitting on circuit; deplores the faulty execution of the criminal laws, and suggests district prosecuting attorneys with larger salaries, instead of the poorly paid county attorneys; again urgently recommends the abolition of imprisonment for debt, which Judge Fletcher had omitted from the revised code; again urges improvements in the militia; and the repeal of the usury laws, and auction licenses. In accordance with the joint resolution of April 6, 1838, the governor had procured the opinion of eminent counsel* in regard to the Ohio boundary question, and whether Michigan had any judicial remedy; but the opinion was to the effect "that Michigan had no remedy left her known to the constitution and the laws of the land, by which she can disturb the boundary line as now settled."*

With some remarks in regard to the slavery agitation,

*Chancellor Kent and D. B. Ogden. (H. J. 1839, p. 677.)

DOUGLASS HOUGHTON

and the violation of the neutrality laws during the "patriot war" he concludes with the valedictory before quoted.

The legislature at once completed its organization and took up the several subjects referred to in the governor's message, and without delay entered on the work of legislation.

On April 20, 1839, having completed its work, the legislature adjourned *sine die,* having passed one hundred seventeen acts and thirty-five joint resolutions, but as a rule the legislation was not of historical interest.

Very much of the time of the session was spent in amending the revised statutes, as prepared by Chief Justice Fletcher. One act approved on the last day of the session, consisted of fifty-four sections and embodied as many different amendments of the "Fletcher Code," besides a number of separate acts for the same purpose.

Moderate appropriations were made for continuing the internal improvements—or some of them—to be paid out of "any moneys that shall hereafter come into the treasury of this state, to the credit of the fund on internal improvement."

For the Southern railroad, $100,000.

For the Central railroad, $100,000.

For the Clinton and Kalamazoo Canal, $60,000.

For the Northern railroad, $40,000.

For the improvement of the St. Joseph river, $25,000.

For building canal around the rapids of Grand river, $25,000.

In accordance with the recommendation of Dr. Houghton, superintendent of the geological survey, the sum of $15,000 was appropriated for the improvement of the state's salt springs.

The counties of Clinton and Barry were organized and also a large number of new townships.

The superintendent of public instruction was required to publish in the Journal of Education a list of text books suitable for primary schools, also a catalog of books suitable for district libraries.

In partial response to the recommendation of the governor, the legislature passed an act to incorporate *The State Bank* of Michigan, with a capital of two millions of dollars, one-half of which was to be subscribed by the state. The bank was to have nine branches, which were duly located in the leading towns of the state.

The legislature by joint ballot was to elect eight directors, and the state directors were to elect a president.

The remaining million of dollars was to be subscribed by individuals, companies, and corporations. The bank was never to suspend specie payment, and never to sell its stock at less than par. The act was most elaborate, consisting of eighty-eight sections and covering nearly thirty pages of the laws of 1839. This *State Bank,* of pretentious birth, did not cut any large figure in the financial history of the state. It never became operative.

For the more effectual defense of the state a brigade of "State guards" was provided for. These were to be a sort of superior militia, and to have the preference in the distribution of arms and accoutrements. It was probably suggested by the frontier troubles during the "patriot war."

Imprisonment for debt was abolished and the first complete "fraudulent debtor act" enacted, the basis of all our subsequent legislation on that subject.

An act was passed to increase the capital stock of the Gibraltar and Flat Rock Company from $400,000 to

$1,000,000. As this company was to "build a city," the sum was not too large; but the city is not yet built.

An act was passed to provide for the government and discipline of the State Prison, and $20,000 appropriated for continuing the building; also an act to provide for draining swamps, marshes, and other low lands, the foundation of state legislation of that nature.

An interesting law was that authorizing the superintendent of public instruction to make a loan to the White Pigeon sugar-beet company, on mortgage security, from the funds arising out of the sale of the University or primary school lands. The act for the regulation of internal improvements was entirely remodeled, and the former act repealed. The board of three commissioners was divided into three classes, whose term of office expired in rotation, one each year; they are made supervisors of all public works, and given charge of all contracts, etc. The act was designed to remedy all the defects of the old law so far as experience had disclosed them.

Congress was memoralized most vigorously to complete the military or territorial roads. The governor was authorized to organize "Independent Volunteer Corps from half breeds and Indians as he may deem proper."

The last acts of the session signed by Governor Mason were "an act to provide for the further construction of certain works of internal improvement," and a "joint resolution authorizing the publication of the school laws." Thus, in his last communication to the Michigan legislature were joined the two great objects which always seemed to lie nearest to Governor Mason's heart, education and public works.

On April 19, John D. Pierce was nominated for reappointment as superintendent of public instruction and

the nomination was confirmed by the joint vote of the two houses, fifty to thirteen.

An exciting contest just at the close of the session was that for the election of eight state members of board of directors of the State Bank of Michigan, resulting in the choice of John S. Barry, John Biddle, Charles Noble, Robert H. Stuart, G. W. Germain, B. F. H. Witherell, Zina Pitcher, and Edward Mundy.

The term of office of Lucius Lyon as Senator from Michigan in the Congress of the United States having expired on March 4, 1839, numerous attempts were made during the session to fill the vacancy, until April 18, the last day but one before adjournment, when it was indefinitely postponed by the House of Representatives.*

The legislature of 1840 met on January 6 and the first act passed by that body was "an act to provide for the election of United States Senator," which was approved on January 18, and on the 20th of that month both houses agreed in nominating Augustus S. Porter as Senator to succeed Lucius Lyon.†

With the session of the legislature ending April 20, 1839, closed the legislative career of Stevens Thomson Mason, though his executive term did not expire until January, 1840.

On September 11, 1839, the democratic state convention met at Ann Arbor to nominate candidates for governor and lieutenant governor. The ballot resulted

*The first joint convention was held February 14, 1839.

The leading democrat candidate was Hon. Warner Wing, while the leading opponent, supported by the whigs was Hon. John Biddle, of Detroit, who had been territorial delegate and president of the Constitutional Convention. (See House Journal, 1839, 161 and 581.)

†Augustus S. Porter was born at Canandiagua, N. Y., in 1798; was graduated from Union College at the age of 20. Came to Michigan, and practiced law at Detroit. Elected Mayor 1838. United States Senator for term ending March 4, 1845.

in one hundred and four votes for Elon Farnsworth (Chancellor) fourteen for Thomas Fitzgerald (Bank Commissioner) twenty-two for Kingsley S. Bingham (Speaker of the House) and nine scattering.

Elon Farnsworth was then unanimously nominated. Thomas Fitzgerald received the nomination for lieutenant governor.*

The whig convention had met at Marshall on August 28 and a ballot had given fifty-five votes for William Woodbridge, twenty-six votes for Augustus S. Porter, twenty-two for Zina Pitcher, and ten for John Biddle.

William Woodbridge was duly nominated for governor, and James Wright Gordon of Marshall for lieutenant governor.†

The remarkable thing about the democratic convention was that not one vote, complementary or otherwise, was given to Governor Mason, and no mention of him or of his administration was made in the resolutions adopted.

The governor had been much absent from the state during the negotiation of the "Five Million Loan" in 1838, and we find in the appropriation bill for 1839 this item: "To Edward Mundy (lieutenant governor) seven hundred and fifty-six dollars for his salary during the absence of the governor in the year eighteen hundred and thirty-eight."

During that stay in New York he had formed acquaintances and relationships which led him in 1841 to remove his residence to that metropolis, where he died January 4, 1843, aged thirty-one years and three months.

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*Detroit Free Press September 13, 1839.
†Detroit Free Press August 31, 1839.

# CHAPTER X

## Governor Woodbridge's Administration

IN attempting to give a connected view of the history of the "Five Million Loan" in previous chapters, events have been anticipated, and many things passed over which in chronological sequence should have been previously mentioned.

A few words will be sufficient to close the record of the grand system of internal improvements inaugurated by the legislature of 1837. On the first of January, 1840, Governor Mason was succeeded by Governor William Woodbridge who had been connected with the territorial government and the state government since 1814, when he succeeded Reuben Atwater as secretary of the territory. In his annual message January, 1840, Governor Woodbridge stated that he felt compelled to recommend to the early consideration of the legislature the propriety of an immediate suspension or repeal of all existing laws relative to Michigan's internal improvement system, except so much as related to the operation of the railroads already in use; and in response to the governor's recommendation, the senate with only two dissenting votes adopted the following resolution:

*Resolved,* That the committee on internal improvement be instructed to inquire into the expediency of bringing in a bill to repeal the act to provide for the further construction of certain works of internal improvement, approved April 30, 1839." The change of administration brought a change of policy in the state and it is probable that this change of policy saved the state from actual and disastrous bankruptcy. After the failure of the Five Million Loan, and after the four years extension in 1840, Congress granted to the state 500,000 acres of land for the purpose of internal improvements.

When the state scrip mentioned in a former chapter

had greatly depreciated, being practically irredeemable except by the payment of taxes and other dues to the state, the legislature authorized the issue of "land scrip," representing these internal improvement lands, in payment of claims arising out of the works in internal improvement. But the people were just beginning to realize that putting a fanciful price upon unimproved land did not change or increase its real value. A great many people were endeavoring to realize on land, all at the same time, and the land scrip followed the example of the state scrip, or treasury notes, and became "a drug on the market."

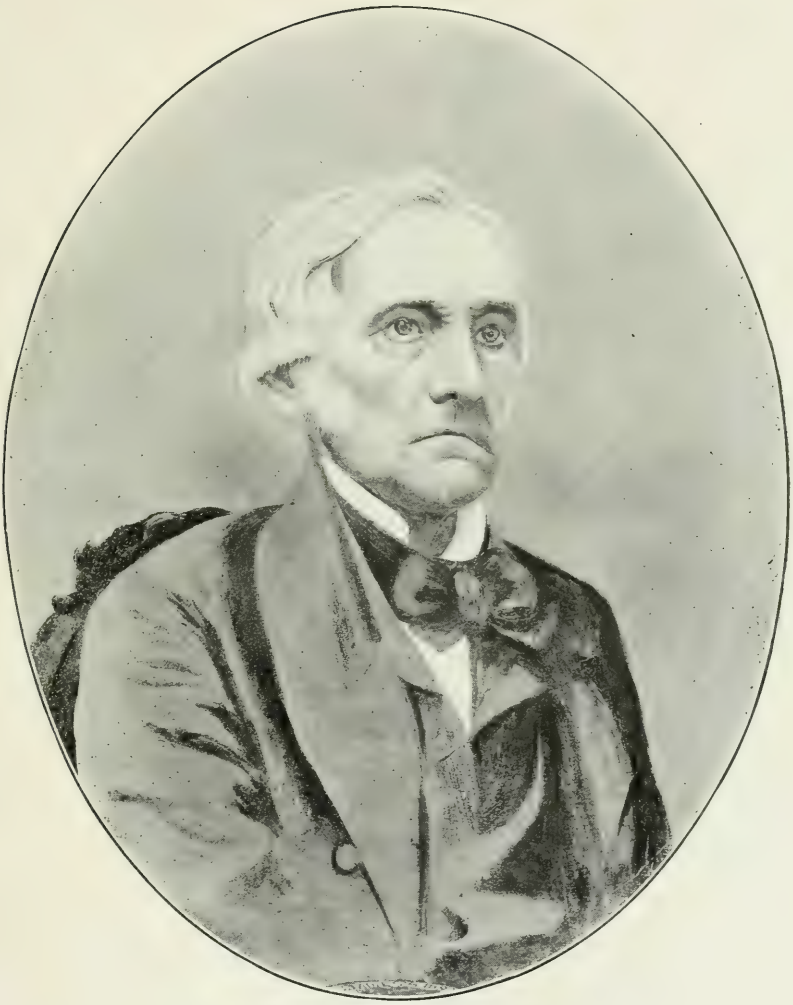
In accordance with the recommendations of Governor Woodbridge, the legislature threw overboard all the great works of improvement except the Central and Southern railroads, which the state clung to until 1846, when the Central was opened to Marshall and the Southern to Hillsdale, both using the old fashioned wooden with iron strap rail.

In January, 1846, a committee of the senate reported the total expenditures of the state on different works of internal improvement at about $4,500,000, besides 305,000 of the 500,000 acres of the internal improvement lands granted by Congress in 1841.*

Pursuant to the provisions of Act No. 42 of the session of 1846, the state sold the Central railroad to the Michigan Central Railroad Company for $2,000,000, and the same year closed out the Southern railroad to the Michigan Southern Railroad Company for $500,000, receiving in payment the part paid bonds of the "Five Million Loan." So ended the great internal improvement system.

In November, 1837, the second state election took

*1. Mich. Hist. Col. 147.



WILLIAM WOODBRIDGE

place, and Stevens T. Mason was re-elected governor over C. C. Trowbridge, the whig candidate, by a majority of 237. This slender majority shows that the unsettled conditions of the times, and, perhaps, distrust of the magnificent scheme in which the state had embarked at the governor's suggestion, were already producing a political reaction which resulted in a political revolution in 1839.

Edward Mundy was re-elected lieutenant governor, and John D. Pierce was continued superintendent of public instruction. Randolph Manning was appointed secretary of state, Henry Howard was reappointed state treasurer, Peter Morey became attorney general and Robert Abbott remained auditor general. Thomas Fitzgerald, Alpheus Felch, and K. Pritchett were reappointed bank commissioners. This continued to be the organization of the state government from January, 1838, to January, 1840.

By the constitution of 1835, the governor and lieutenant governor, were to be elected in October, 1835, and their successors elected every two years thereafter, while the representatives and one-half of the senate were to be elected annually. All other officers, (except treasurer, who was to be chosen by the two houses of the legislature), were to be nominated by the governor, and confirmed by the senate, except the superintendent of public instruction, who was to be confirmed by the two houses in joint assembly, and were to hold office for two years.

It therefore happened that the state officers were chosen under the constitution of 1835 in the odd numbered years, and commenced their terms of office in the January following. Thus the general state elections were held in 1835, 1837, 1839, 1841, and so on, until the new constitution went into effect in 1851. By that

constitution it was provided that the biennial state election should take place on the Tuesday after the first Monday of November of each even-numbered year, and the officials chosen should enter upon their duties on the first of January of the succeeding year.

This arrangement brought the state election into harmony with the National presidential and congressional elections.

As has been before said, the election of 1839 registered a political revolution in the state. All its previous governors had been democrats of the Jeffersonian and Jacksonian school. For a long series of years its legislative, executive, and judicial officers had been appointed by the President and had been almost uniformly followers and political disciples of Governor Cass. Governor Mason was of the same school, as were normally the majority of the settlers. But there is no such political propagandist as hard times; and the results of legislation on banks, loans, and public works had brought the state to the brink of ruin. Not an honest working man or farmer in the state but had lost—some of them all they possessed—by the dishonest wild cat banks.

The notes had become practically worthless in their hands, and the "flush times" when so-called money was plentiful as leaves on the trees, were succeeded by a period of great stringency, and an enormous contraction of circulating medium, resulting in a corresponding shrinkage of all values of lands and products. Thousands of men who on the strength of town-site speculations, plentiful bank notes, and imaginary cities to be built up by railroads and canals, had imagined themselves rich, now suddenly found all their imaginary wealth evaporated, and themselves poorer than when they entered the territory, with barely the means to make an opening in the wilderness.

There were not wanting those who were ready to attribute their misfortunes to unwise advice of the young governor. But the revolution was undoubtedly the result of general causes operating throughout the country. The democratic party had been long in power, and throughout the Jacksonian era they had carried things with a strong hand. The dismemberment of Michigan on her southern border had been approved, if not brought about by the administration; and this had tended to alienate the loyalty of many. All these causes combined to produce the result.

Not only was a whig governor and lieutenant governor elected by the people, but a legislature was returned in sympathy with the governor, and the reaction did not entirely spend its force until Jacob M. Howard had taken the place of Isaac E. Crary in the House of Representatives, and Augustus S. Porter and William Woodbridge had taken the seats of Lucius Lyon and John Norvell in the Senate of the United States.

Judge Cooley in his "Michigan" truly says: "But no political changes could stop the vicious consequences of the wild cat banking, which were attributable to no one party, and which were continued by suspension laws through several years. All the important legislation of the state for some time, and especially all that concerned public improvements and the collection of debts was shaped in view of the depression which followed the financial dissipation.

But measures of relief only aggravated and prolonged the evils of a worthless currency; "a compound" as a writer of the day justly said, "of folly and wickedness." . . . "Then came stay laws and laws to compel creditors to take lands at a valuation. They were doubtful in point of utility and more than doubtful in point of morality and constitutionality."

Michigan was guilty of many youthful sins. She had sown her "wild oats" with a liberal hand, and she had reaped a corresponding crop of disaster and ruin. The lesson was not forgotten. When the constitution of 1850 was framed we find this clause added to Section 2, Article V, on the Executive Department: "Nor shall any person be eligible to either office (Governor or Lieutenant Governor) who has not attained the age of thirty years;" and this as Section 45, Article IV, "The assent of two-thirds of the members *elected* to each house of the Legislature shall be requisite to every bill appropriating money or property for local or private purposes." Section 3, Article XIV, "The state may contract debts to meet deficits in revenue, such debts shall not in the aggregate at any one time exceed fifty thousand dollars." Section 6, same article, "No scrip, certificate or other evidence of state indebtedness shall be issued except for the redemption of stock previously issued."

Section 8, "The state shall not subscribe to or be interested in the stock of any company, association or corporation."

Section 9, "The state shall not be a party to or interested in any work of internal improvement."

Article XV, Section 2, "No general banking law shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the state at a general election and be approved by a majority of the votes cast thereon at such election."

It may be that in the long years since elapsed, and in the longer stretch of the years that are yet to come in the history of the state, the lesson will be found worth all it cost. If it must come, it were better that it come then than later.

But it is fully time to leave this tale of woe and turn

to an affair which transpired during Governor Mason's administration, which, at the time, involved Michigan, and at one time threatened to disturb the friendly relations between the United States and England and her provinces—the "Patriot War" or attempted insurrection in Upper Canada, in 1837 and 1838. So far as this history is concerned, we have nothing to do with the causes which led to this ill-starred attempt. As near as can be judged from this distance of time, the movement originated with residents of both Upper Canada and the United States, of Irish birth or descent, and some restless spirits, natives of the United States, but who had removed to Canada, who entertained the hope of detaching the peninsula lying between the Michigan frontier and the Niagara frontier from Canada, and attaching it to the United States. In short, they aspired to do what Generals Hull and Harrison had failed to do. The movement culminated in the winter of 1837-1838, and the Michigan frontier was made the base of operations. The points of assembling were Fort Gratiot (or Port Huron), Mount Clemens, Detroit, and Gibraltar, nearly opposite Amhertsburg.*

In an article by George C. Bates, the well-known lawyer and United States District Attorney for Michigan, published in thirteenth Michigan Historical Collections, 532, he gives some account of an attempt of the "Patriots" to sieze the arms, ammunition, and artillery of the United States at Fort Gratiot, and the manner in which it was forestalled and prevented.

Of the promoters of the movement he says: "Meet-

*For more detailed accounts of the operations on the Michigan frontier in the "Patriot War" see
2 Mich. Hist. Coll. 576.
12 Mich. Hist. Coll. 414 and 619.
13 Mich. Hist. Coll. 532 and 598.

ings had been called, secret military organizations created, and Dr. E. A. Theller, an Irish enthusiast for anything opposed to Great Britain, a native born Fenian, had committed some overt acts for which he had been arrested, tried, convicted and sentenced to the citadel of Quebec, from which he had escaped and fled to Detroit, where he was surrounded by such aids as General E. J. Roberts,—General Peter J. Handy" and others. "Straggling parties of armed military men were waiting along the border for the ice to form, over which they could enter Canada, unfurl their flag, and establish there a temporary government in rebellion against the British crown."

He then proceeds to give a graphic account of the attempt by the "Patriots" to seize Fort Gratiot which was frustrated by a detachment of the "Brady Guards" of which detachment he was a member. Lieutenant (afterward Major-General), A. S. Williams was in command of the detachment, and with him was Sergeant A. T. McReynolds, (afterward Colonel of the "Harris Cavalry," and Brigadier General).

The arms, ammunition, and guns were safely brought to Detroit, although Mr. Bates claims that they were opposed "by some six hundred to eight hundred desperate men."

In the same paper by Mr. Bates will be found an account of the "Battle of Fighting Island" a small island in Detroit river below Ecorce, the "Partiots" holding possession of the island until driven off by the British troops under Colonel Basden. General Hugh Brady, with American troops occupied the Michigan shore and arrested many of the fleeing fugitives. This skirmish took place February 1, 1838. No report is given of the casualties if there were any. In both cases Mr. Bates was an eye witness and participant, and

while doubtless the main facts may be relied upon, his style of narrative leads one to suspect that he courted oratorical picturesqueness rather more than intimate historical accuracy and reserve.

The "Patriots" who made their base of operations in Michigan were organized into secret lodges known as "Hunters lodges." One of these was located at Mount Clemens, and of the gathering there the Rev. Supply Chase, a Baptist missionary then located at Mount Clemens, in an address before the Detroit Historical Society says: "In the winter of 1837-8 occurred the Patriot war in Canada, and one company of the Patriots was quartered at Mount Clemens; a motley crew of loafers, renegades and deadbeats, apparently gathered from the outscourings of the country, whose chief exploits were to see how much whiskey they could put themselves outside of, and how much dirt and profanity they could indulge in. During the winter they had a few dress parades, when they would have compared favorably with Falstaffs warriors of an earlier day."*

Perhaps the most reliable history of this peculiar attempt is to be found in a paper published without name of the author, but prepared by some one connected with the Detroit Historical Society before which it was read March 28, 1861,† and among whose papers it was found. He says: "It sprung from a wide-spread disaffection among the people of Upper and Lower Canada with reference to their domestic affairs and their relations to the mother country." He stated that many United States officials "were members of the Hunters Lodges, and that some of them, not excepting judges, were eloquent and vehement orators in the

*5 Mich. Hist. Coll. 58.
†12 Mich. Hist. Coll. 414.

lodges, and were among the most active of those who sought a revolution in Canada."

"At length the long expected time when the "Patriots" should "go over" arrived, and they did "go over" in the latter part of December, 1837,* in a small steamboat pressed into their service for the purpose. The landing was a short distance above Windsor, from whence they immediately marched down to the village opposite Detroit." There quite an engagement took place, in which a number were killed and wounded on both sides, and the "Patriots" were scattered to the woods.

Four prisoners, taken by Col. Prince, commanding the Canadian forces, were summarily shot to death by his order. A number of the captured were taken to London, Canada, tried, convicted, and executed, others were exiled to "Van Dieman's Land."

A plot was discovered to capture the arsenal at Dearborn, and get possession of the arms and ammunition of the United States stored there, and for sometime a company of Michigan militia was kept on guard there, of whom the writer of the paper quoted was one.

"General" Theller was himself taken prisoner, tried for treason, and sentenced to death, but it is said that the execution was arrested by the threatened mutiny of the regiment, composed largely of Irishmen, stationed at Toronto. He was not executed and finally made his escape to "the states."

The excitement continued to a greater or less extent

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*The correct date of this action seems to have been December 6, 1837.

through the year 1838, but the "battle of Windsor" may be considered the closing of the War."*

From reading the various accounts written by those who were present and to some extent participants, it seems probable that the attempt had the sympathy and aid and comfort of many of the residents of Michigan living near the frontier. In volume 12, Michigan Historical Collections at page 618, will be found a very curious official document relative to the murder of the prisoners by Col. Prince, at Windsor. It is a "Militia General Order" dated at Toronto, 20th of March, 1839.

"The Lieutenant Governor and Major General commanding has noticed with the greatest anxiety the undermentioned statements of events attending the late invasion of brigands into the western district of this province.

1st. A despatch to Colonel Airy, commanding the western district from Colonel Prince in command at Sandwich, in which that officer reports the following circumstance:

"Of the brigands and pirates, twenty-one were killed beside four who were brought in just at the close and immediately after the engagment, all of whom I ordered to be shot on the spot, and which was done accordingly."

On this the Lieutenant Governor "Expresses his entire concurrence" with court of inquiry, "And while he has most deeply regretted that under the circumstances of impending danger and highly excited feeling, Colonel Prince was induced *to anticipate* the result of legal proceedings, in directing the summary execution of four of the captured criminals, his Excellency is gratified to find that the imputation of having been guilty of acts of wanton cruelty—for which charge the court has been able to assign no other foundation than a feeling of personal hostility toward Colonel Prince."—

The sentence is left thus incomplete.

This action of Colonel Prince created profound feeling and bitter resentment on the Michigan side, and it

*In volume 13, Michigan Historical Collections, at page 598, will be found an interesting account of the "Battle of Windsor," from the Canadian standpoint. The "Patriots" become "brigands" and "pirates". The writer says: "The number of the enemy killed in the engagement, with those afterward shot, was ascertained to be thirty-two. . . . The Canadian loss was four killed and four wounded."

was years before this feeling wore off. It was not until the Ashburton treaty of 1842 that the international questions growing out of the Patriot war and the alleged violation of our obligations of neutrality were finally adjusted. This was the fourth war in which Michigan took part. The war of 1812, the Black Hawk, the Toledo, and the Patriot war.

# CHAPTER XI

## Political Revolution

WE must turn now from legislation to take a brief account of the general condition of the state and its people. The settlers were still coming. The tide of immigration had not ceased.

Between the census taken in the latter part of the year 1837 and the United States census of 1840, the population had risen from 174,619 to 212,267.

The "hard times" of 1838 and 1839 had checked the flow somewhat, but still the new settlers came at the rate of more than twelve thousand a year.

It is beyond doubt that there must have been something very attractive in the face of the country to have drawn such a multitude to Michigan, as came between 1830 and 1840.

It will be interesting to see with the eyes of those who looked upon it then. As early as July, 1827, Mark Norris, one of the leading pioneers of Washtenaw county, made a visit for location and settlement to that vicinity. July 19 he reached Ann Arbor, and the next day he proceeded toward Dexter. He kept a diary, and makes this record:

"July 20. Today have viewed S., M., and W's farms; find them good, better, best; more beautiful farms than M's and W's I never saw. They possess all the advantages of old cleared lands, with the richness of a garden, and a prospect like Wadsworth's flats in the Genesee."

July 21. Slept at M's place last night; this morning started for Mill Creek (near Dexter). Passed some fine lands near the clear and rapid Huron.*

In 1841, one, Lansing S. Swan made a tour from Rochester, N. Y., to Niles, Michigan, passing over the

*Mr. Norris says that one Warner, five miles beyond Dexter was "the farthest and most western settler in this direction in the territory."

Detroit and St. Joseph territorial road. He becomes very enthusiastic about the country in the western part of the state. It was in June, and he speaks repeatedly of strawberries of "monstrous size" and very plentiful. One day (June 21), he says "we had a carpet of strawberries nearly all the way." West of Kalamazoo he speaks of the prairies as "most beautiful." "Wednesday, 23rd, arrived at a very pretty village called Clinton." "The roads as we passed along carpeted with lilies and roses," etc.

(Journal of a trip to Michigan in 1841).

Bela Hubbard, then engaged upon the first geological reconnoisance, in September, 1837, thus describes the appearance of Oakland county:

"The surrounding country seemed far enough removed from the gloomy morass which wild imaginations had depicted it twenty years before. It appeared to me *the most beautiful the sun ever shone upon.* It was of the character then beginning to be classed as "openings" characterized by a gravelly soil and a sparse growth of oaks and hickories. . . . Climbing a tree on one of the most elevated knobs, seven lakes lay at my feet; on the north and west undulations like heavy swells of the sea, and on the east a level plain tretching to the horizon, like an Ocean's verge."*

Such descriptions could be multiplied indefinitely from the diaries and reminiscences of the pioneers as recorded in the Collections of the Michigan Pioneer and Historical Society. They are the testimony of mature and unsensational men to the fact that Michigan was as declared upon her seal, "Peninsulam Amoenam."

Turning from nature to social conditions the following will give an illuminating glimpse of politics in the state capital at this epoch.

Silas Beebe, one of the pioneers of Ingham county,

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*3 Mich. Hist. Coll. 190. Bela Hubbard was afterward one of Michigan's best known citizens and capitalists.

in a diary of a trip to Michigan in the spring of 1838, gives a picture of a municipal election in Detroit, in April of that year, thus:

"April 2. Election day for charter officers of Detroit,—and such a fuss, 'a rumpus and a rioting' I never witnessed in a State Election. The handbills, flags, processions and a band of music, with a marshal on a richly caparisoned horse with gilt trappings, were only equalled the Saturday before by the opposite party, (Whigs), getting up a farce of distributing to the poor, evidently for political effect and electioneering purposes. It is difficut to describe the scene to one who never witnessed it. Fish, pork, and bread were the only articles handed out by the committee to the "hungry" applicants, as they presented themselves on all sides of the stand. . . . Most of the whigs themselves were sufficiently disgusted before the farce was ended."*

He learned afterward that the whigs were the successful party.

It will be recalled that the governor in his annual message, January, 1838, had recommended the organization of a society for the promotion of agriculture. The attempt was made to form a state agricultural society. As a result, on October 1, 1839, the first state agricultural fair ever held in Michigan was appointed to take place at Ann Arbor. The president of the society was John Biddle who had presided over the first constitutional convention, but it seems that he forgot the day and did not attend, and the people of Ann Arbor had made no preparations for the event. But there was an exhibit of live stock and dairy products, though as the president had forgotten to attend he also forgot to award the prizes.†

The attempt was premature, as the means of communication was so scarce and travel so difficult. But it was a beginning.

Michigan was no exception to the rule that the

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*1 Mich. Hist. Coll. 191.
†Henry Raymond in 3 Mich. Hist. Coll. 245.

combination of law and human nature usually developes violations of law and the need of punishments and corrections. Thus far the state had no penitentiary for the confinement of criminals. In the local jails criminals of all degrees were confined within narrow limits, until as Governor Mason said, they became "schools of vice."

Among other acts of the legislature of 1838, as already stated, was the location of the penitentiary or state prison at Jackson. On April 3 of that year Benjamin Porter and Amasa B. Gibson were appointed by the governor as commissioners to superintend the building of the prison.

The location of the prison at Jackson was conditioned on the conveyance to the state of a twenty acre tract of land adjacent to the Grand river on the east bank thereof, and the like conveyance of four ten acre tracts adjoining—also a grant of water rights on Grand river and the use of a spring on one of the tracts. The act provided that the prison should be on the general plan of the New York prison at Auburn with such modifications as might be found desirable. The prison was to be built with convict labor. The west wing was first built. The prison grounds were at first inclosed with a stockade constructed of tamarack logs planted in a deep trench close together, like the old stockade forts of an earlier day. From this circumstance the prison was for some years known in the then settled part of the state as "the tamaracks."

The prison was not completed at once, but only so much as was needed for immediate use, and it has been added to from time to time, as more room has been required, and no date can be assigned as that of its completion.*

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*2 Mich. Hist. Coll. 327.

In September, 1837, Dr. Douglass Houghton, C. C. Douglas, and Bela Hubbard started out on the first geological survey to explore the Saginaw valley and the tributaries of the Saginaw river for the purpose of locating the salt springs and to determine the other geological features of the region. They struck the headwaters of the Shiawasse river at Byron, in the southeast corner of Shiawasse county. Byron then possessed one mill and two houses. At Corunna, the county seat, they found one log house situated on the bank of the river; Owosso contained a dozen log buidlings, one frame house and a saw mill.

These three "settlements" embraced the entire white population of Shiawasse county.

A mile below Owosso they passed the last white man's clearing. They now floated through the primeval forest until they reached Saginaw city. Here the government had established a "fort" in 1820, which had been abandoned in 1824, as most of the garrison died of disease. Saginaw city was a prosperous village of fifty frame houses, four stores, two warehouses, a small church, two steam saw-mills, and a large hotel in process of building. From Saginaw city down to the bay there was no settlement. Around in all directions, the wilderness was unbroken.

At the forks of the Tittibawassee and Pine rivers they found several abandoned cabins, one of which had been occupied as a trading post.

Opposite the forks had been "located" the village of Midland, but it was a village without inhabitants.*

The following description of White Rock city by Bela Hubbard, will, as well as any, illustrate the nature

*3 Mich. Hist. Coll. 189.

of the "paper cities" of Michigan, from 1835 to 1840. He says:

"The annals of this place [White Rock] constitute one of those chapters of romance of which the records of 1835 and 1836 are so replete. Before the rage of real estate speculation was at its height, and all through that wild fever we had known of "White Rock City." Maps executed in the highest style of the typographers art, displayed in hotel barrooms and other places, where congregate the thousand seekers after fortune, that courted the happy possessor of valuable lots and water privileges—had announced its unrivalled situation and advantage. They depicted the magnificent harbor at the mouth of the large stream into which steamboats were entering. Saw mills were converting the forest into houses; around the public square clustered a court house, churches, and other public buildings, not omitting the inevitable bank; and the air of prosperity which pervaded the place was evident at a glance. Auctioneers had sounded its praises and struck off its lots at fabulous prices to eager buyers. None of the rising cities for which Michigan had become famous had so wide a celebrity and distributed stock so liberally.

And now we were to see with our own eyes this western marvel. A large white boulder in the lake marked the entrance, and gave name to this modern Karnac.

We found the entering river:—it hardly admitted our canoe. Harbor there was none. Churches, houses, mills, people,—all were a myth. A thick wilderness covered the whole site. Even those traces of advancing civilization, the surveyors' marks, were wanting. Except Mr. Allen, it was forty miles to the nearest inhabitant."*

There was no *state* election in Michigan in 1840, except for members of the legislature. Woodbridge had been elected in November, 1839, as governor, and James Wright Gordon as lieutenant governor. A whig legislature had also been elected, so that the great campaign of 1840, in Michigan, lacked the stimulus and inspiration of local issues and local candidates. Moreover, the state was so sparsely settled and the means of assembling so difficult that not many mass meetings could be held in this state. But nevertheless the campaign in Michigan partook of the same enthusiasm and exhibited the same features as in the older states.

General William Henry Harrison was looked upon

*3 Mich. Hist. Coll. 200.

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as, in some sense, the savior of Michigan. It was his campaign of 1813 that had driven the infamous Proctor from her soil, and restored Michigan to the American Union. Besides, Michigan had at one time been part of Indiana territory when Harrison was its governor. Then, too, he was a westerner, and except Andrew Jackson, the first real westerner to be nominated for the presidency. Even Jackson was born on the Atlantic plateau, in South Carolina.

Harrison had come to the Ohio when only eighteen years of age; had fought gallantly under Wayne; had been the first delegate in Congress from the Northwest Territory (of which Michigan was then a part) ;and had crushed the Indian Confederacy of Tecumseh and his Prophet Brother at Tippecanoe in 1811. After his victory at the Thames he had retired to his log cabin on the Ohio, where it was alleged that he drank hard cider and had coon skins nailed upon the logs of the cabin. This was said by his opponents to show how unfit for president he was; but it was the very thing that captured the hearts and imaginations of the hardy and plain pioneers of the west. He was one of them. He knew their lives, their habits, their needs. He was the man for them. So "log cabin, hard cider, and coon skins" became the battle cry of the Harrison men of the West.

Those were the days of song and story. Campaign eloquence was then at its high tide and campaign songs with the refrain of "Tippecanoe and Tyler too," were heard at every whig gathering, and this was followed by the asseveration that

"Van, Van, is a used up man."

Although Michigan had no state election that year,

there were mass meetings in the larger towns, like Detroit in the east and Marshall and Kalamazoo in the west. Not only were there distinguished orators from abroad, but a choice corps of home talent, on each side. On the whig part, perhaps the most magnetic speaker was George Dawson, editor of the Detroit Advertiser, while James Wright Gordon (lieutenant governor), Henry W. Taylor, of Marshall, Marsh Giddigs, of Kalamazoo, and J. M. Howard of Detroit, (the whig candidate for congress,) were able whig advocates.

Among the prominent democratic orators in this campaign were General I. E. Crary (member of Congress), Charles E. Stuart (afterward United States senator), Edward Bradley (afterward member of Congress), Thomas B. Church and John Van Arman, lawyers of Marshall, and George V. N. Lothrop (soon to be attorney general), of Detroit.*

The result was that Harrison carried the state by a vote of 22,933 to 21,096 for Van Buren and her three electoral votes were cast for "old Tippecanoe and Tyler too."

But the election of Harrison did not bring relief to the pioneers of Michigan engaged in clearing their farms, opening roads and building bridges among the vast forests of the peninsula.

In their pockets were still wild cat bank notes (if they had any at all); the bread of their paper towns was dough; their grand system of railroads unbuilt and the canals not dug. But their bonds were out for five million two hundred thousand dollars, on which they or their

*For an interesting description of this unique campaign see 10 Mich. Hist. Coll. 8.

state officials had received less than one-half their face value,* and the day of reckoning was hastening on.

The campaign cry had been "roast beef and two dollars a day,"—but there was very little "roast beef" and no "two dollars a day."

But the political revolution of 1839 was not without fruits. It would have been difficult if not impossible for the same party that had inaugurated the great internal improvement scheme to have abandoned it; or to have brought about the final repudiation of wild cat banking. New men with new purposes and new policies were needed at the helm,—men who could let go as well as hold on.

Under the Woodbridge administration the internal improvements which were dragging the state nearer and nearer to the verge of bankruptcy were, one by one, cast off; the new state treasurer was able to get some sort of security from the failing Morris Canal and Banking Company and from the defaulted Pennsylvania United States Bank. Suit was commenced to test the validity of the General Banking law, under which the "wild cats" were organized, and under the administration of his successor, in 1844, the supreme court held it unconstitutional. On the whole the Woodbridge election was a useful break, and came none too soon to save the state from actual bankruptcy.

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*From a report made to the Legislature in 1847 it appears that there was received by the state on the "five million loan" as follows:

| | |
|---|---|
| On full paid bonds..... | $1,387,000.00 |
| On "part paid bonds"..... | 1,232,452.72 |
| Entire amount..... | $2,619,452.72 |

There was lost by changes of contract in interest and commissions alone $55,508.13.

(Financial History of Michigan, E. O. Grosvenor, Michigan Semi-Centennial, p. 48).

The people had time to take the "sober second thought," and "gird up their loins" with fresh courage, for a new start in life; and that is what they did.

The "beautiful peninsula" still remained. Its great forests, its fruitful "openings," its noble rivers, and its majestic lakes were all there, and had lost neither charm nor value.

After all, only a few million of dollars and some cherished hopes had been lost. The best remained. The church and the school, the integrity of the mass of the people, the undaunted manhood and the untarnished womanhood all remained. Mistakes had been made, but the foundations of the state were well and securely laid, and they remained intact and unshaken.

# CHAPTER XII

## The Reaction

THE political revolution of 1839 and 1840 was not permanent. The state was normally democratic. Ever since its organization, under successive presidents, it had been under the control and administration of democratic officials. General Cass was the ideal and patron saint of his party in Michigan, but since 1836 he had been absent from the country, as American Minister to France. Had he been in Michigan, or in the senate, as he doubtless would have been had he remained at home, it is altogether probable that he would have been able to so guide his party associates as to have prevented many of the worst mistakes committed in his absence, and so averted the revolution of 1839. It was not because a large number of the electors had changed their party principles that the state went whig, but the fact was that they were disgusted with "wild cat" banks and the want of financial ability and frankness shown in the vicissitudes of the history of the "Five Million Loan." But the overturn lasted long enough to bring William Woodbridge to the governorship and send him for six years to the United States Senate, and by the same turn to make James Wright Gordon acting governor from February 24, 1841, to January, 1842, and Jacob M. Howard member of Congress for two years.

Acting Governor Gordon was of Connecticut birth, a graduate of Trinity college, and for a time a professor in Geneva college. He came to Michigan and settled in Marshall in 1835, when he was twenty-six years of age. He at once, by virtue of education, ability, and eloquence, became one of the leading lawyers of western Michigan. He was just thirty when elected lieutenant governor, and in his thirty-second year when he became acting governor. So

strong a hold had he gained on his party by his eloquent advocacy of whig principles and policies in the campaigns of 1839 and 1840 that he was nominated by his party associates in the legislature for United States Senator. It was said that while he was celebrating the event by a dinner to a few friends, a union of democrats and disaffected whigs agreed to support, and next day elected, Governor Woodbridge, without a formal nomination. Gordon continued acting governor until January 3, 1842, when John S. Barry, a democrat of the democrats, was inaugurated.

This practically closed the political career of James Wright Gordon; for though he was the whig candidate for Congress in 1847, he was defeated by Edward Bradley, a democrat colleague at the Marshall bar, and Governor Gordon went to South America on account of failing health, and died there in 1853 at the early age of forty-four. His name is little remembered by the present generation, but he served his state well during the year that he administered the office of governor, and was an honor to his state and his profession.

With Governor John S. Barry came back the old regime, so far as party dominance was concerned, but not the old regime in regard to state policy. He was in all things the opposite of the first governor. Born in New Hampshire in 1802, he was almost exactly forty years of age when he became governor. He had served several years in the senate, where he had been a leader, and had become familiar with the men and needs of the state. He had assisted in framing the first constitution, and enjoyed in the fullest degree the confidence of the people.

With him was elected Origen D. Richardson of Oakland county as lieutenant governor. They were first

elected in 1841 and re-elected in 1843 and served until January, 1846.

During Governor Barry's two terms there was little change in state officers. Robert P. Eldridge was secretary of state, and John J. Adams, treasurer.

The auditorship was held by Alpheus Felch, Henry L. Whipple, Charles G. Hammond and John J. Adams in succession.

For superintendent of public instruction Franklin Sawyer in the first term was succeeded by Oliver C. Comstock in the second.

It was a period of reconstruction and rehabilitation. The banking law was "knocked out" by the decision of the supreme court. The internal improvements except the central and southern railroads were dropped for want of funds; the poor remnants of the "Five Million Loan" were gathered up, and new bonds issued to the amount of $1,909,452, with which to take up the "readjusted" "part paid bonds."

These "part paid bonds" may require a word of explanation, though quite familiar half a century ago. "Regarding the bonds which had been entrusted to the Morris Canal and Banking Company, and which were now in other hands, the state took at the outset the position which was deemed just and maintained it firmly. The bonds which had been bought and *paid for* should be paid in full, principal and interest. . . . But as to bonds not sold in fact, but upon which something had been paid, the state would recognize an obligation *to the extent of the payment,* but no farther. . . . On the part paid bonds being surrendered, the state would issue full paid bonds for the sum equitably due upon them."*

*Cooley's Michigan, 288.

The amount required to liquidate the part paid bonds was as before stated, $1,909,452, and a further issue was made of $263,324 to settle the accrued interest on the five million loan. During the same period (1839-1843) bonds were issued to make up a deficiency by reason of delinquent taxes, to the amount of $227,420.*

At the same time the legislature was making strenuous efforts to rectify omissions and commissions in the "Fletcher code." Instead of compiling the existing laws into an orderly and consistent arrangement, the chief justice had rewritten the entire body of laws down to the adjourned session of 1837, in language of his own, omitting what to his mind ought to be omitted and making changes never contemplated by the legislature. He substituted a board of county commissioners for the board of supervisiors, thus introducing some confusion. A part of the code had been enacted before the regular session of 1838, and we find some of the statutes of that year referring to the "Board of Supervisors," some to the "Board of County Commissioners," and some to "the Board of County Commissioners or Supervisors." The state penitentiary was wholly overlooked by the reviser. He also failed to include the act for non-imprisonment for debt, or rather he retained the old provision, and the next legislature (1839) repealed it. It was not until 1842 that the old board of supervisors was restored. In fact, the task of amending the code was so formidable that in 1844 the legislature provided for a new revision, and entrusted the work to Sanford M. Green, afterward associate justice of the supreme court. His report became the "Revised Statutes of 1846" after numerous amendments made to it by the legislature.

The year 1846 was made notable by three important

*Grosvenor, Semi-Centennial 49.

events. The adoption of the revised statutes, the sale of the state railroads, the Central and Southern, thus closing out finally and forever the state's participation in the construction of internal improvements, and lastly the commencement of the Mexican War.

The part of Michigan in the war with Mexico (1846-1848) was neither great nor distinguished. But it is to be remembered that in 1846, when active operations in that war began, Michigan was a young state scarcely ten years old; that she was a frontier state, with her resources but little developed, her population widely dispersed over her broad area, and above all with no especial interest at stake in the contest.

The people of the southern states had a more immediate interest, partly because of nearness to the scene, partly from a deeper sympathy with the people of Texas, many of whom had gone out from their own communities, and partly, perhaps, because their institutions were homogeneous with those of Texas, whose boundary constituted the *causus belli.*

It is no part of the purpose of the present writer to enter into a discussion of the motives of President Polk and his administration in bringing on the war with our weaker neighbor; but only to make a statement of the manner in which the war actually began, and in doing so will borrow the words of General John Robertson, long adjutant general of the state, in his address at the Michigan Semi-Centennial:

"The war with Mexico was a result of the annexation of Texas, and was brought about by a dispute over the boundary line, the Mexicans claiming the Neuces river as the line, while the United States insisted on the Rio Grande. Mexico, determined to enforce her claim, occupied with troops the territory in controversy, thereby bringing on the war, which was substantially inaugurated in the early part of August 1845 by the occupation of a portion of the disputed territory at Corpus Christi, by an army of the United States under General Zachary Taylor, who on March 11, 1846, commenced

a movement inland, meeting the Mexicans in severe battles at several points in Texas [that is in the disputed territory] defeating them in every instance, in face of largely superior numbers driving them out of Texas [as claimed by the United States] across the Rio Grande."*

The war having thus been brought about and actual hostilities inaugurated, it was not long before a call was made upon Michigan to furnish volunteers for its prosecution.

On March 9, 1848, Governor Ransom sent to the legislature a communication from William L. Greenly, late acting governor [serving out the term of ex-governor Alpheus Felch, elected senator in Congress], giving some account of calls for troops and the expenditures incurred in raising them. He says:

"Upon the reception of the requisition upon the state of the War Department of the United States, it was deemed proper to issue a general order, calling upon the patriotic citizens of this state to volunteer for the war, and at the same time promising commissions to those who were most active and efficient in raising companies, provided they were competent; and another order promising the prompt payment of all sums that might be by them necessarily expended in raising and boarding such companies whenever they should be mustered into the service of the United States."†

Governor Greenly then explained that it was found in practice that the first order led to the opening of too many recruiting stations, so that it was not possible for any of them to succeed, while under the second order no one was willing to undertake the raising of companies with no certainty that the companies would be accepted or their expenses paid. "Under these circumstances, it was resolved that the officers should be at once appointed and commissioned."

He then gives a list of officers appointed for the com-

*Michigan Semi-centennial 465.
†House Document 20, Legislature of 1848.

panies and adds: "The above named officers upon being commissioned went actively and energetically to work raising their respective companies, and during the months of November and December (1847) I paid to the officers of said companies for said expenses in boarding the volunteers when enrolled and other incidental expenses, the following sums, to wit: (a detailed statement of sums paid to each officer, aggregating $10,165.85). He then goes on to explain that there "being no law which obliged those who had enlisted and been boarded from one week to two months to muster into the service of the United States," in almost every instance the several captains of companies would report their companies full consisting of ninety-four rank and file and upon their arrival at the barracks, find their companies dwindled down to twenty or thirty men, and there was no law by which the delinquents could be compelled to report. This defect in the law nearly doubled the expense of raising the regiment.

Governor Ransom in his message to the legislature January 3, 1848, says: "On the 19th of May, 1846, a requisition was made by the war department upon the executive of this state for the enrollment of a regiment of volunteer infantry of ten companies, to be held in readiness for active service when called for by the President."

"By a joint resolution of the legislature, approved February 13, 1847, the sum of ten thousand dollars was appropriated, to be applied in the direction of the executive in fitting out any volunteer regiment, battallion or company that might be called from this state to serve in the war with Mexico. In October last, (1847), an order was issued by direction of the President, for mustering these troops into the service of the United States, and the necessary measures to secure compliance with

that order were taken without delay by the proper authorities of the state. Officers of the regiment and of the several companies have been appointed and commissioned, and although the required number of the rank and file in some of the companies has not yet been completed, the regiment has been mustered into the service of the United States, and six companies have marched for the seat of war."*

"The commanders of the four companies remaining give assurance that their respective commands will be speedily filled, and the whole in readiness to follow those who have preceded them."

Under the first call, thirteen independent companies, eleven of infantry and two of cavalry responded, but of these thirteen companies offered in the early part of 1846, only one, the "Brady Guard," of Detroit, was accepted, and they were sent to Mackinac and Sault de Ste. Marie to garrison those posts, while the regular troops which had been on duty there, were forwarded to the front in Mexico. Of the companies tendered at this time four were from the city of Detroit, two from Monroe; Lenawee county offered three; St. Clair, Hillsdale and Berrien one each, and Wayne county, outside Detroit, one.†

At a later period (October, 1847) a second call was made, as indicated by Acting Governor Greenly, which proved abortive until he appointed and commissioned company and regimental officers to recruit and assemble a regiment and these were finally enrolled and mustered as the "First Michigan Volunteers."

The regiment was officered as follows:

Colonel, Thomas B. W. Stockton, of Flint.

*Joint Documents, 1848, p. 12 and 13.
†Michigan Pioneer and Hist. Coll. 172.

(Afterward Colonel 16th Infantry.)
Lieutenant Colonel, Alpheus S. Williams, Detroit.
(Afterward Major General in Civil War.)
Major, John V. Ruble, Detroit.
(Afterward Lieutenant Colonel 16th Michigan.)
Adjutant James E. Pettiman, Detroit.

COMPANY OFFICERS.

Company A, Captain Frederick W. Cartenias, Kalamazoo.
Company B, Captain Grove N. Buel, St. Clair.
Company C, Captain Alfred H. Hanscom, Pontiac.
Company D, Captain Nicholas Greusel, Jr., Detroit.
Company E, Captain Isaac S. Rowland, Detroit.
Company F, Captain John Whittemeyer, Niles.
Company G, Captain Daniel Hicks, Adrian.
Company H, Captain Walter W. Dean, Monroe.
Company I, Captain John Van Arman Marshall.
Company K, Captain James M. Williams, Detroit.

Company A was recruited principally at and about Kalamazoo; Company B in St. Clair and Wayne counties; Company C was the Pontiac company; Company D was principally from Detroit, as was also Company E; Company F was from western Michigan; G was from Hillsdale and Lenawee; H was the Monroe company; "I" was from Marshall, and K from the southeastern part of the state. These companies were mustered into the service of the United States at various times during the months of November and December 1847, and January and February 1848. Six companies were forwarded to the seat of war prior to January 1848, and in due time landed at Vera Cruz, where they were later joined by the four remaining companies.

General Scott was already occupying the city of Mexico, when the last companies arrived at Vera Cruz. One company of the regiment was left on duty at Vera Cruz, and the other nine companies advanced toward the city of Mexico as far as Cordova, which town they garrisoned until the treaty of peace was signed, guarding General Scott's lines of communication, rendering valu-

able and faithful service and suffering severely from diseases incident to the climate. The regiment was mustered out at Detroit on July 23, 1848, having returned from Mexico *via* New Orleans, Chicago, and Mackinac. It was in actual service in the field somewhat less than six months. They did not meet the enemy, much to their regret, which was not through their fault; but they performed faithfully the duty assigned, which is all that any soldier can do.

In May, 1847, three companies were enrolled in Michigan for the 15th U. S. Infantry, in which regiment they became companies "A," "E," and "G."*

These three companies were recruited in the state at large and were officered as follows:

Company A, Captain Eugene Vanderventer, Flint.
First Lieutenant and Adjutant Thornton F. Brodhead (Afterward Colonel of the 1st Mich. Cavalry in the Civil War, and mortally wounded at the second battle of Bull Run, August 30 1862.)
Second Lieutenant, Samuel E. Beach, Pontiac.

(See vol. 9 Mich, P. & H. Col., p. 211.)

Second Lieutenant Edward R. Merrifield, Lansing.

Company E, Captain Isaac D. Toll, Fawn River.
First Lieutenant, Thos. H. Freelen, Kalamazoo.
Second Lieutenant, John Goodman, Niles.
Second Lieutenant, Platt Titus, Jackson.

Company G, Captain Frazey M. Winans, Monroe.
(Afterward Lieutenant Colonel 7th Mich. Infantry in Civil War.)
First Lieutenant, Ahira G. Eastman, Adrian.
Second Lieutenant William D. Wilkins, Detroit.
(Afterward Captain and Asst. Adj't. Gen'l. on the staff of Major General A. S. Williams, in the Civil War, and brevetted Lieutenant Colonel and Colonel for gallant conduct.)

The regiment was commanded by Colonel George W. Morgan of Ohio, (who was a brigadier general in the

*Michigan in the War, appendix 1034.

civil war) and Joshua Howard of Detroit was its lieutenant colonel.

The regiment proceeded to Vera Cruz in the spring of 1847 and participated in the advance on the city of Mexico under the command of General Winfield Scott. These three companies of "regulars" from Michigan distinguished themselves for valor, and shed luster on the state by their splendid actions on many fields. At the *National Bridge* the Michigan companies were in the thick of the fray; at Pueblo, Company A led the "forlorn hope;" at Contreras they were again engaged and yet again at Molino del Rey, near the city of Mexico. But it was at Cherubusco that the Fifteenth covered itself with glory, suffering heavy loss especially in officers.

The Colonel and Adjutant (Brodhead) were both wounded and the Major Mills, gave up his life in the charge on the Gate of San Antonio.

In this battle Company E carried the colors of the regiment and especially distinguished itself, Captain Toll leading the charge.

The regiment was mustered out August 21, 1848.

("Michigan in the War appendix, p. 1034.)

There was one other company raised in Michigan which took an active and a most honorable part in the war with Mexico,—it was Company K of the 3rd U. S. Dragoons, commanded by Captain Andrew T. McReynolds, then of Detroit, who became colonel of the first N. Y. Cavalry in the civil war. Captain McReynolds was brevetted major August 20, 1847, "for gallant and meritorious conduct at Contreras and Cherubusco." The company was disbanded July 31, 1848. (Michigan in the War, 982).

The company was enlisted at Detroit, and in April 1847 marched for the seat of war 104 strong and when

it returned to Detroit only seventeen of the original members remained. The climate of Mexico had claimed some of them for untimely graves. Battle had taken victims both by death and disabling wounds, and many had been discharged and sent home to save them from the deadly disease that assailed them.

This company was notable for its distinguished corps of officers, John T. Brown of Tecumseh, son of General Joseph W. Brown (of Toledo war and Black Hawk war fame) was first lieutenant, and J. C. D. Williams of Detroit (son of General John R. Williams) was second lieutenant. One of the majors of the regiment was Lewis Cass, Jr., (son of former governor and then Senator Lewis Cass). Of the service of this regiment Captain Isaac D. Toll, in his address at Detroit, June, 1878, says:

"We find the dragoons in addition to severe work in guarding specie-bearing trains over roads infested by guerillas, engaged at Paso de Cvejas where they drive the marauders to their mountain fastnesses. These mounted men being comparatively few, their duties as videttes, escorts to trains, conveying dispatches, reconnoitering, in fine, doing all the work of an invading army requiring great celerity, besides being pitted against the far more numerous and active cavalry of the enemy—well mounted and accoutered—can hardly be described.

Selected as guard at headquarters for their fine military bearing and efficiency, the deadly field of Cherubusco attested that the honor was well deserved. Their leader . . . was desperately wounded in the memorable charge over the causeway leading to the city, upon the gate of San Antonio."

These were Michigan's contributions to the prosecution of our first foreign war—the Brady guards, the 1st Michigan Volunteers, the three companies of the 15th U. S. Infantry, and Company K of the 3rd Dragoons,—fifteen companies in all.

Who would have dreamed that in less than seventeen years from the close of the Mexican War, Michigan would have been able to set in the field a total of forty-

six regiments beside many companies enlisted in Michigan, but serving with commands of other states an equivalent of 50 regiments, in a great war to maintain the integrity of the Union, and in which the Michigan dead numbered nearly ten times the total of those enlisted for the war with Mexico. Yet such was to be the case. It can only be said that in the war of 1846-8 Michigan did not do all she *could,* but rather *all that was required of her.*

# CHAPTER XIII

## The Fifth Legislature

THE fifth legislature of the State of Michigan met at Detroit on Monday, January 6, 1840. Thirty-one counties were represented in the House by fifty-two Representatives. Allegan, Barry and Eaton jointly had one. Cass and Van Buren jointly had two. Genesee, Shiawassee and Clinton one; Ionia, Kent, and Ottawa, one; Livingston and Ingham jointly, two; Calhoun, Jackson, Kalamazoo, and St. Joseph, two each; Macomb and Monroe three each; Lenawee, four; Oakland and Washtenaw six each; and Wayne seven; Berrien, Branch, Chippewa, Hillsdale, Lapeer, Mackinac, Saginaw, and St. Clair, one each. This apportionment shows the comparative settlement and population of the organized counties in 1840.

Among the well-known names in the house were Digby V. Bell of Kent, Henry B. Lathrop of Jackson, James W. Sanborn of Lapeer (later of Port Huron), Robert McClelland of Monroe, Gardiner D. Williams of Saginaw, David E. Harbaugh and Andrew T. McReynolds of Wayne.

On Tuesday, January 7, the legislature met in joint convention and canvassed the vote for governor and lieutenant governor. For governor, William Woodbridge had 19,070 votes and Elon Farnsworth 17,782. Majority for Woodbridge 1,288. For lieutenant governor, James Wright Gordon had 18,871 votes and Thomas Fitzgerald had 17,512; Gordon's majority, 1,359, and thereupon Woodbridge and Gordon were unanimously declared elected, and on the same day Governor Woodbridge appeared, took the oath of office, and delivered his inaugural address. The inaugural was brief. It dealt only in general principles, but promised to "reserve for future and occasional communications more exact views," etc.

On January 9 he sent in his regular annual message. (H. J. 1840 20—House Doc. No. 1, 1840). In reading this message, one is at once struck by the marked contrast it presents with like documents of his immediate predecessor. Governor Woodbridge* was already a man of three score years. He had been long in public life, in fact almost from his boyhood. He was accustomed to weighty responsibilities.

He expressed himself with reserve and with notable deference for the legislative branch of the government. There is a distinct absence of the bouyancy and optimism of youth. He is guarded in his recommendations, which are not many. He discusses but few topics and only those which called for immediate remedies for what he considered the most hurtful evils.

He first calls attention to the inadequate representation of the state in Congress, claiming that it is entitled to at least three and perhaps four representatives.

Next, he refers to the fruitless attempts to elect a United States Senator by their predecessors, and that a vacancy had existed since the expiration of the term of Lucius Lyon, March 4, 1839, and the need of legislation to fix time and place for electing his successor.

He discants at large upon the need of economy, calling attention to the fact that the revenues of the state had never met its necessary current expenses. Urges economy at all points, the reduction of offices and cau-

*Governor William Woodbridge was born at Norwich, Conn., August 20, 1780, and was therefore in his sixtieth year when he became governor. Studied law in Connecticut and was admitted to the bar in Ohio in 1806. Was appointed secretary of the Territory of Michigan in 1814. Was elected first delegate to Congress in 1819, but resigned in 1820 to continue as secretary until 1828, when he was appointed one of the judges of the Supreme Court of the territory. In 1835 was a member of the Constitutional Convention, in 1837 elected to the State Senate and in 1839 elected governor. Was United States Senator from Michigan 1841 to 1847. Died October 20, 1861.

tion in allowing claims in "omnibus bills" in the closing hours of the legislative sessions.

He then comes to the subject of internal improvements, and stating the magnitude of the scheme, which he says would have been carried through "at an expense of from ten to fifteen millions of dollars," he says:

"This scheme, so bold in its conception, so splendid in its design, so captivating to a fervid imagination, but yet so disproportioned to our present local wants, and so utterly beyond our present means, must, I fear, as a whole at least, be given up." And again, after discussing the proposition that the work should be national, and that on account of the ownership of the public lands, the nation would be the chief beneficiary, he repeats "Prudence forbids, I think, the further prosecution of this great and favorite work. That which is finished, let us make available upon the best guarded system practicable, and productive to the state. That which is *nearly* finished, and would pay a fair interest upon the cost, and that only, let us try to complete as means may accrue without direct taxation."

"I feel myself compelled to recommend to your early consideration the propriety of an immediate suspension or repeal of all the existing laws relative to our internal improvements system, except so much thereof as relates to the running of the cars upon the railroads already in use." Before leaving the subject of internal improvements, he calls attention to the interference of the United States military officials with the construction of the St. Mary's falls ship canal. He says:

"The designated line of the canal passes within about half a mile of the military quarters of the United States troops called Fort Brady, and in its course intercepts a trench formerly excavated to lead water to an old saw mill, constructed, it is believed, at some very trifling expense, by the soldiers of the United States." He then recites the commencement of work, and adds:

"The workmen were suddenly ordered to cease further proceeding, and finally a considerable military force, fully armed, were marched upon them." He then discusses the incident with as much warmth as he ever permits himself to show, and says:

"You will be fully able to judge what further measures, if any, it may become us in this exigency to pursue."*

Governor Woodbridge next discusses ways and means, and concludes that, as the state does not control "the unseated and waste lands" as do the original states, and "the copious streams in which the surplus revenue of the general government recently flowed into the coffers of the several states have disappeared," "direct taxation" constitutes now the state's only resource, and "that a more unyielding economy, and a far more strict accountability should give character to our future progress."

*House Doc. 1840, p. 10 and 11.

He devotes some time and space to equality of taxation, and discusses the subject of banking and currency, saying: "The wretched consequences that resulted from an act to organize and regulate banking associations and the several acts which have been passed amendatory thereto, will long be remembered as a caution to future legislators."

Referring to the proposed State Bank authorized by the previous Legislature, he says it has been prevented from going into successful operation by the withdrawal of specie from circulation. He then refers to "another painful event" which "occurred to darken the picture and to render still more dense the gloom which surrounded it." "The Pennsylvania Bank of the United States . . . suddenly suspended specie payments," and "the principal banks of Michigan followed, and still pursue the inauspicious example." But a ray of light breaks through the gloom. "The crops have been good, and Michigan has produced three millions of bushels of wheat beyond the home demand. If only the surplus products of the state could find their way to market, it would go far to alleviate the severity of the pressure. But without currency, these products cannot be moved. There must be an "adequate increase of the issues of the banks or some of them."

But before authorizing this there should be "a sufficient and thorough examination into the affairs of our principal banks." In conclusion he says: "I commend this whole perplexed and interesting subject to your careful consideration, and complicated and difficult as it certainly is, I yet cannot suppress the expression of my sanguine hope that the results of your labors will go far to ameliorate the conditions, and restore the confidence and prosperity of our state."*

The legislature of 1840 adjourned April 1, having passed 127 acts and twenty-seven resolutions. The session was characterized by a general spirit of retrenchment and economy. Expenses were reduced in many directions; some boards were abolished entirely, others were reduced from three members to one; salaries were cut down, the amount of public printing restricted, and some useless or unnecessary offices discontinued.

The year 1840 marked the turn of the tide from the era of land-speculation, unlimited free banking and magnificent schemes of public works to a more conservative and reactionary policy.

Perhaps the most important act of the session was a

*House Doc. No. 1, 1840.

joint resolution adopted January 29 that the Commissioners of Internal Improvements "be and they are hereby directed and required to *suspend* all further proceedings under said act, or any other act." "And the commissioners appointed under the first section of the act above recited, be, and they are hereby required and directed to suspend all further proceedings under and by virtue of said act above recited or any other act, so far as relates to entering into *new contracts* upon public works or reletting any contract or contracts which may have been heretofore let."

As at the previous session, many acts were passed modifying and repealing some parts of the Revised statutes of 1838, especially to amend the act for proceedings against debtors; relative to guardians and wards; and relative to forcible entries and detainers.

The primary school chapter of the revised statutes was entirely recast, and reenacted. Among other laws of general interest were an act to direct the repayment to the treasury of $100,000 loaned to the internal improvement fund; an act to authorize the anticipation of certain installments of the "Five Million Loan," by borrowing from banks on state stock; an act to reorganize the board of internal improvements by making it consist of the secretary of state and state treasurer, *ex officio,* and one "Acting Commissioner," to be appointed by the governor by and with the advice and consent of both houses of the legislature; and an act to abolish the office of bank commissioner. The state zoologist and state botanist were legislated out; the salary of the superintendent of public instruction was cut down to $800 per annum; the salary of governor cut off during his absence from the state or disability from any cause; and the office of private secretary to the governor was abolished.

An act was passed to authorize the treasurer to take additional security for the "Five Million Loan."

New legislation in the nature of reform provided for foreclosure of mortgages by advertisement instead of the dilatory proceeding in chancery; the conveyance of lands by married women, and the bar of dower by a separate acknowledgment; the first game law for the prevention of the killing of woodcock partridge, and pheasants within the County of Wayne was enacted.

Provision was made for continuing the building of the state prison, and additional regulations for its government. Two new chancery circuits were provided, and additional sessions of the supreme and circuit courts.

An effort was made to abolish the board of county commissioners and restore the board of supervisors and it came near succeeding, but at the very end of the session it failed by a disagreement between the two houses.

In pursuance of the recommendations of the topographical survey and to facilitate the complete mapping of the state, an act was passed "to lay off and define the boundaries of" thirty-two counties, embracing all the northern part of the lower peninsula, lying north of Muskegon, Kent, Ionia, Isabella, Gladwin, and Arenac counties, and including the three counties of Huron, Sanilac, and Tuscola, south of Saginaw bay.

For these counties names were improvised, mostly names of Indian chiefs or places, some of them beautiful and euphonious, such as Manistee, Omena, Leelanaw, and Kanotin; and others not so liquid, as Keshkauko (the name of a celebrated Indian chief), which designated the present county of Charlevoix; though of the two we think the Indian name the more appropriate and quite as euphonious. Of these Indian names a few have been retained to this day, as Manistee, Ogemaw, Ne-

waygo, Leelanaw, and Missaukee. And why the beautiful Indian name Kanotin should have been changed to the meaningless Iosco, or why the expressive Ottawa name Aishcum should have been discarded for "Lake" as the designation of a county that touches no lake and contains none worth mapping, is a mystery. Equally occult is the reason for changing the good Michigan name Unwattin for Oseola, the name of a *Florida* Indian; or the musical "Wyandot," the name of one of the great Michigan tribes, to the rather difficult Cheboygan.

The counties themselves, as then "laid off" on the map, have remained almost unchanged except that Benzie county was in 1863 formed from the three southern tiers of towns of Leelanaw county.

Most of these Indian names, which would have remained monuments to the great tribes and great warriors who once occupied the Peninsula, have utterly vanished from the map, and instead we have a strange mixture of Irish, French, Greek, and nondescript names such as Antrim, Wexford, Emmet, Roscommon, Montmorency, Charlevoix, Crawford, and Osceola.

Reference has been made in a former chapter and in connection with Governor Woodbridge's message to the interference of United States troops with the construction of the St. Mary's falls ship canal. As expressive of the sentiments of the State of Michigan, the legislature unanimously passed the following joint resolutions:

"That it is the sense of this Legislature that the proceedings of the Government of the United States at the Sault de Ste. Marie on the 13th day of May, 1839, by which the contractors and hands at work on the canal at that place were forcibly driven from the same and compelled to abandon its further construction were unwarranted by the constitution of the United States and a violation of the rights and sovereignty of the State of Michigan.

Be it further resolved: That as an act of justice to the State of Michigan, the government of the United States is bound to repay to the state the amount of money advanced to the contractors, together with all damages the state has sustained by reason of the arbitrary

and unjust measures which deprived the state of the power (right) to construct the Sault de Ste. Marie Canal."

The senators and representatives of the state were requested to adopt such measures "as will tend to the speedy reparation of the injury inflicted upon the rights of this state."

These joint resolutions were followed two days later (March 30, 1840) by a lengthy and elaborate memorial to Congress setting forth the vast importance of the Lake Superior region, especially in fisheries, furs, and copper, and concluding as follows:

"The only obstruction to the opening of Lake Superior is at the falls of the Sault de Ste. Marie, where a canal has been surveyed by the authority of the State of Michigan.

"Your memoralists, therefore, the Senate and House of Representatives of the State of Michigan, would most respectfully solicit Congress for suitable appropriations of money or lands or both for the construction of said canal."

But Congress was intent on other things, and no more appreciated the importance of the Lake Superior country and the vastness of its coming commerce than a few years later it comprehended the greatness and value of the "Oregon region," when it was said by a great statesman that it would not be settled in a hundred years.

Therefore it was that twelve years more were to elapse before Congress answered this appeal by making the necessary grant of lands for building the ship canal.

Henry Howard having resigned the office of state treasurer to assume the duties of auditor general, on January 23, 1840, Robert Stuart was elected by the two houses in joint convention state treasurer to fill the term of Henry Howard and for the full term of two years next ensuing.

The legislature of 1840 having adjourned on April 1, the state officials were soon occupied in carrying out the legislation which had been enacted. Work was suspended upon the public works except the Central

and Southern railroads. The state treasurer was seeking to get further security for the five million loan, and to save something from the wreck of the Morris Canal and Banking Company and the Pennsylvania United States Bank.

The attorney general was still gathering up the remnants of the failed wild cat banks. The new internal improvement board consisting of the state treasurer, secretary of state, and John W. Van Fossen, of Washtenaw, were busy in "suspending" work on the improvements and rescuing what could be saved to the state out of the ruins. And the people of the state scattered through its thirty organized counties and the wilderness beyond, with sore hearts but unconquerable courage, were clearing their farms, turning up the rich soil, preparing for the harvest of the future, building school houses, organizing townships and school districts, pushing roads into the primeval forests, and in the isolation and silence of the wilderness almost unconsciously laying the stable foundations of a great commonwealth.

The first buildings of the University at Ann Arbor were advancing toward completion; the State Prison at Jackson had sufficiently progressed to be organized for receiving and care of prisoners; six branches of the University at Detroit, Monroe, Pontiac, Tecumseh, White Pigeon, and Niles had adopted uniform courses under the guidance of the Regents of the University, and were actually giving instruction to an average of two hundred twenty-two young men and women, preparing teachers for Michigan district schools and students for the University.

Michigan was anything but a *dead state,* and through all this activity, during the summer and fall of 1840 ran the great presidential campaign, of which we have already made mention.

No state officers were elected that year, but a new legislature was chosen, a majority in sympathy with Harrison and the whig party being chosen, also a member of Congress.

The year 1840 closed upon the people of Michigan poor in currency but rich in hope. They had seen the bubble of riches by the printing press and the engraver burst and dissipate. They had given up the idea of getting rich by borrowing, and it was already forced upon their minds that platting a beautiful map did not create a town, or getting a charter from the legislature build a railroad,—these were useful though expensive lessons. But they were learned once for all, and they were better learned at the beginning than later, when there would be more at stake.

# CHAPTER XIV

## The Whig Ascendency

THE year 1841 witnessed the political reaction which restored the democratic party to power in Michigan, by the election of John S. Barry as governor, and Origen D. Richardson of Oakland county as lieutenant governor, and a majority of the legislature of the same political affiliation. But on February 4, 1841, Governor Woodbridge had been chosen United States Senator by the joint convention of the two houses, over Lieutenant Governor J. Wright Gordon, the regular whig nominee, by a vote of nine to eight in the senate, and twenty-seven for Woodbridge to eighteen for Gordon, and two scattering, in the house.

The majority of the votes for Woodbridge were of democrats, while a majority of the whigs voted for Gordon. It was a marked illustration of the adage that "politics makes strange bedfellows;" for the democratic press and orators had opposed Woodbridge most strenuously for governor, as they had also Gordon for lieutenant governor; and now by their action they made the one senator and the other acting governor for the remainder of the term.

This year was also marked by the close of the career of John D. Pierce as first superintendent of public instruction. He was succeeded by Franklin Sawyer, who served a single term, and was succeeded two years later, by Oliver C. Comstock, of Marshall. Mr. Sawyer at the end of his term as superintendent removed from the state to take charge of the schools of Louisiana. John D. Pierce is conceded, and justly, to have been the founder of Michigan's school system. It was so wisely planned that the seventy years since have seen only the development and efflorescence of the institution he planted.

It was during this year, too, that Congress enacted a general bankruptcy law, which enabled many who had gone down financially in the wild times of 1836-39 to disentangle themselves from the wreck, and make a new start in the world.

The legislature of 1841 met at Detroit on Monday, January 4, with thirty-one counties represented. In the senate were such men as John J. Adam, of Lenawee, John S. Barry, St. Joseph, Townsend E. Gidley of Jackson, S. V. R. Trowbridge of Oakland, and B. F. H. Witherell, of Wayne.

To the house came C. I. Walker, then of Kent, Philo C. Fuller of Lenawee, Kinsley S. Bingham of Livingston, and others afterward prominent. There were two contesting delegations from Wayne. The whig delegation led by John Biddle, and the democrats by Lemuel Goodall. No certificate of election had been issued to either delegation by the board of county canvassers, on account of the destruction of the ballot box of the town of Hamtramck containing three hundred thirty-four ballots.

On the face of the returns canvassed the whig candidates had a majority; but it was claimed that had the vote of Hamtramck been returned and counted the democratic candidates would have had a majority. After a two days' struggle the whig delegation was seated by a vote of twenty-two to twenty-one.

On January 6, Philo C. Fuller, of Lenawee, was elected speaker, and the house was organized by the whigs.

On April 3, Speaker Fuller resigned his office, and John Biddle of Wayne was elected to succeed him by a vote of thirty to thirteen for Kinsley S. Bingham.

The legislature continued in session until April 13, when it adjourned *sine die* having passed ninety acts and

thirty joint resolutions. Of these acts not less than ten were to amend the revised statutes of 1838.

Legislation progressed upon substantially the same lines as during the first year of Governor Woodbridge's administration,—clearing up the debris of the internal improvement legislation, enforcing economy and preparing for a new departure.

The balance to the credit of the Saginaw or Bad River Canal was transferred to the general internal improvement fund; the balance of appropriation for the Northern railroad to the amount of $30,000 was to be expended in the construction of a wagon road on the same line, and $5,000 to be expended on the Detroit and Grand river turnpike; $25,000 was allotted to pay existing contracts on the Clinton Canal, and to construct a feeder at Paint creek, and to bring the canal into the Clinton river at Frederick; the auditor general was directed to release the securities given the state by the Palmyra and Jacksonburg railroad company, on condition that the company convey to the state that part of their road lying between the Southern railroad and the Erie and Kalamazoo which was to become a part of the Southern road, the Erie and Kalamazoo to finish and iron their road as far as the village of Clinton; an appropriation of $65,972.62 was made to pay for railroad iron contracted by Governor Mason in 1838; the commissioners of internal improvement were authorized to expend the balance standing to the credit of the improvement of the Kalamazoo river, in improving that river below Allegan, and the same in regard to the St. Joseph below Three Rivers, if in their opinion best for the interest of that part of the state; the appropriation for the Sault de Ste. Marie ship canal was transferred to the general internal improvement fund, and the construction of the canal definitely abandoned on account of the inter-

ference of the military of the United States with this most important national work; truly a most lame and impotent conclusion.

Consequent on the census of 1840 the state was redistricted for senators and representatives, by dividing it into six senatorial districts with three senators each. The smallest district was the second, Washtenaw and Livingston counties, and the largest the sixth, embracing Oakland, Lapeer, Genesee, Saginaw, Shiawasse, Tuscola, Midland, Gladwin, Arenac, Ogemaw, Kanotin, Oscoda, Newegon, and the whole upper peninsula.

The House of Representatives was made to consist of fifty-three members distributed among twenty-five districts.*

According to the report of the auditor general for the year 1840, the total assessed valuation of the thirty-one organized counties of the state was $37,833,024.13. The entire state tax assessed was $75,666.04. The largest valuations were Wayne county, $6,359,446.28, Washtenaw $2,735,401.00, and the smallest were Chippewa, $47,220 and Mackinac $152,635, as these two counties then embraced the entire of the upper peninsula, the whole assessed valuation of that vast region beyond the straits of Mackinac was but $197,855, while the entire state tax assessed against it was $399.71.†

At the present time (1905) the upper peninsula is divided into fifteen counties. In 1901 the equalized assessed valuation of the four leading counties, and the amount of the state tax assessed against each, was as follows:

| Counties. | Valuation. | Tax. |
|---|---|---|
| Houghton | $140,000,000 | $262,123 45 |
| Marquette | 30,000,000 | 56,169 31 |

*Laws 1841 act 61, page 146.
†Laws 1841 (appendix) p. 264.

| | | |
|---|---|---|
| Gogebic ..... | 14,000,000 | 26,212 35 |
| Chippewa ..... | 12,500,000 | 23,403 88 |
| Total of four counties.... | 196,500,000 | 367,908 99* |

Truly, judging from these figures, the "Toledo War" was not for nothing.

Among other important and interesting legislation of the session of 1841, was the act to prescribe the powers and duties of justices of the peace in civil proceedings, a complete codification of everything pertaining to Justice's Courts, which has remained substantially the same to the present day; an act to provide for the protection of Indians, prescribing severe penalties for selling, giving, or battering any kind of strong or intoxicating drink to any Indian; also prescribing penalties to the limit of five years' imprisonment for "stirring up or exciting any Indian nation, tribe, chief, or individual to violate any treaty of peace," or "to violate any law of the United States or of this state."

Provision was made for continuing the building of the state prison; for laying out a large number of state roads, and for the preservation of the purity of elections, by punishing illegal voting, or the violation of ballot boxes. The minimum price of University lands was reduced to $15 per acre, and of primary school lands to $5; and a very significant act was one that authorized the secretary of state to sell one thousand bound volumes of the revised statutes of 1838. It was manifest that in three years the revised statutes had been so extensively amended that they were practically worthless as a book of reference, and the day of a fresh revision was rapidly approaching.

But there was one act of this session, which was

*Michigan Manual, 1905, p. 346.

referred to in a former chapter, which is especially deserving of notice—that was the "treasury note" act of April 13, 1841. It was an act entitled "An act to provide for the anticipation of certain installments of the five million loan." It required the auditor general to have plates engraved for the emission of treasury notes of the denomination of $1, $2, $5, and $10, and to have "struck off on good bank note paper" an amount of treasury notes not exceeding "the four next succeeding installments of the five million loan;" these notes to be delivered to the treasurer and registered by him, and to be paid out to take up any evidence of indebtedness of the state for contracts performed, work done, or materials furnished on any of the works of internal improvements; the notes to be received in payment of taxes, or any debts due the state, and when so received they might be reissued; the treasurer to pay said notes, "if he shall have funds adequate for the purpose" when due, or within twenty days thereafter, in money or in drafts on New York, charging four per cent. for the latter; the notes to be payable as the several installments of the loan fall due, and to bear interest at six per cent. per annum.

The same act provided:

> "That Robert Stuart, state treasurer, be and he is hereby authorized and empowered, at the proper charge and expense of the state, to proceed to the cities of New York and Philadelphia, if it be necessary, and procure on the best terms he can the payment of the April and July installments of the five million loan, due and to become due next, from the Bank of the United States, in order to protect the state drafts which have been drawn against the April installment," etc.

This well-intended experiment to put in circulation an irredeemable paper currency shared the fate common to all such experiments, from the time of the continental money of the Revolution to the "greenback" of the specie suspension of the civil war period; they greatly depre-

ciated, but to their honor be it said, not so greatly as the paper dollars of the Continental Congress, nor even as the greenback currency in the last year of the civil war. They were simply the promissory notes of the state, and dependent upon the payment to the state of the four installments of the five million loan, which, through the failure of the Pennsylvania bank of the United States, never came. But they were gradually absorbed by the payment of taxes and other dues to the state, or changed into state scrip payable in land, after the grant of 500,000 acres to the state by the United States in 1842. This grant, though made expressly for the purposes of internal improvements, came too late for that object. When the grant finally came that grand project had been already abandoned, except as to the Central and Southern railroads.

It will be of historic interest to make record here of the amount expended by the state for internal improvements up to November 30, 1840, as reported to the legislature by the auditor general, January, 1841.

| | |
|---|---|
| Southern Railroad | $520,182 36 |
| Central Railroad | 893,897 00 |
| Northern Railroad | 70,894 34 |
| Clinton and Kalamazoo Canal | 276,241 66 |
| Saginaw Canal | 36,644 32 |
| Havre Branch Railroad | 910 84 |
| Sault Ste. Marie Canal | 3,041 86 |
| Improvement of Grand and Kalamazoo rivers | 27,563 11 |
| Improvement of Salt Springs | 18,000 00 |
| Improvement of St. Joseph River | 2,268 67 |
| Canal around Grand River rapids | 130 53 |
| Surveys and instruments | 36,467 74 |
| Expenses of negotiating loan | 2,322 01 |
| Contingent expenses of Board of Commissioners | 10,170 41 |
| Bank of Gibraltar | 20,000 00 |
| Iron Contract | 111,925 80 |
| Board of Appraisers, 1840 | 624 00 |
| Sinking Fund, including amount retained out of January installment | 646,915 66 |
| Total | $2,678,200 31 |

At this session the legislature took action looking to the defining and marking the boundary line between the Territory of Wisconsin and the State of Michigan; passed resolutions commending the gallantry of Major Antoine Dequindre and his company of Michigan Volunteers at the battle of Monguagon, August, 1812; also asking the President to send a war vessel to bring home citizens of Michigan who were taken prisoner during the so-called "Patriot war," and banished by the Canadian government to "Van Dieman's Land."

On March 3, 1841, the term of General Isaac E. Crary, who until that date had been Michigan's only representative in Congress, expired and he was succeeded by Jacob M. Howard whose term extended from March 3, 1841, to March 3, 1843, by which time representatives had been reapportioned to the states under the census of 1840, and Michigan became entitled to three.

In the former Congress the Michigan delegation in Congress consisted of Augustus S. Porter and William Woodbridge, Detroit, senators, and Jacob M. Howard, Detroit, representative.

In the 28th Congress (1843-45) the senators remained the same, while James B. Hunt, Oakland, Lucius Lyon, Kent, and Robert McClelland, Monroe, constituted the delegation in the House of Representatives.*

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*Lucius Lyon born in Vermont, 1800, came to Michigan about 1823, settled first at Bronson (Kalamazoo) and removed to Detroit. Delegate in Congress, 1834-5. Member of Constitutional Convention, 1835. Senator 1835-1841. Member of Congress 1843-45, having removed to Grand Rapids. Became Surveyor General of the Northwest, 1845, which office he continued to fill until his death in 1851, at Detroit.

James B. Hunt was born in New York in 1799. Studied law. Began practice in New York City. Removed to Michigan in 1836. Was a member of the first Board of Internal Improvement, 1838. Elected to the 28th Congress November, 1842, and re-elected to the

From the election of John S. Barry as governor in 1841, the regency of the democracy in Michigan was unbroken until overthrown by the tremendous anti-slavery agitation following the repeal of the Missouri Compromise in 1854, when such a revolution took place as has made and kept it a minority party in the state for half a century.

In December, 1842, ex-governor Lewis Cass returned to Michigan from France, where he had been as American Minister for six year, and at once resumed his old and honored position of commander-in-chief of the democratic forces of Michigan, a position which he never abdicated or was superseded in to the day of his death.

The "Boy Governor" Mason, after passing through the ordeal of a legislative investigation by the whig legislature of 1840, had removed to New York in 1841.

At the expiration of his term in congress in 1845, ex-Senator Lucius Lyon went abroad, and traveled in Europe, declining a re-election to Congress.

General Cass became a prominent candidate for the democratic nomination for president in 1844, and as his career is so intimately connected with the history of Michigan, something more than a passing notice is due to that episode.

The whig party triumphant in 1840, had been torn

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29th in 1844, serving to March, 1847. He died at Washington, D. C., August 15, 1857.

Robert McClelland was born at Green Castle, Pa., August 1, 1807. Was graduated from Dickinson College in 1829. Studied law. In 1833 removed to Monroe, Michigan, which remained his home during his public life. Was a member of the Constitutional Convention of 1835. Member of the Legislature 1838 to 1843. Speaker of the House one term. Elected to the 28th, 29th and 30th Congresses. Governor of Michigan 1851-1853. Secretary of the Interior, 1853-1857. Died at Detroit, 1880.

and rent by "Tylerism" and discredited by their failure to "make good" on the cry of "two dollars a day and roast beef." Suddenly there had emerged from the fog and confusion of finance and bank and tariff the dominant issue of the immediate annexation of Texas. Until that issue loomed up, Van Buren seemed the "logical candidate" of the democracy, and reasonably secure of renomination. But as the day for the national convention drew near, the question of annexation became more and more the decisive issue.

Poor old President Harrison was in his grave, worried to death, it was said, by the place-seekers. Tyler had none so poor as to do him reverence. Henry Clay was the undoubted leader of the whig party. He was for annexation *provided* it could be had with honor and without war. But Henry Clay, the southern slaveholder and the father of the "American system" of protection was his own platform. When Van Buren came out against annexation in obedience to the sentiment of the North, at once the South swerved away from him, and looked for a new candidate. Not even "Old Hickory's" endorsement could reconcile the South to Van Buren. Into the opening thus made Cass was ready to advance. On May 10, 1844, he wrote a letter from Detroit intended for the country, in which he came out for annexation. He declared "a majority of the American people are in favor of annexation. Were they not, the measure ought not to be effected. But as they are, the *sooner* it is effected the better." Here was statesmanship. He favored it, not because it was right, not because it could be effected with honor and without war, but because a majority of the people favored it.

On May 27, the democratic convention met. On the first ballot there were 151 for Van Buren, 83 for Cass, and 24 for Johnson. The seventh ballot gave Cass

123; this was within six of a majority, but the "two-thirds rule" prevented his nomination. On the 8th the "dark horse" was brought out in the person of James K. Polk of Tennessee, and on the 9th Cass' forces deserted him, and went over to Polk who was nominated.

Polk had been twelve years in congress, had been twice Speaker of the House in the 24th and 25th congresses, and had been Governor of Tennessee, but it was not this that gave him the nomination; it was because he was unqualifiedly for annexation. He made no such condition as did Clay, that it be with honor and without war, nor did he even demand the condition implied by Cass, that it be favored by a majority of the people. He was for annexation without an "if."

But the campaign had done one thing for the Michigan leader. It had made him a national character and an heir expectant to the presidency. The story may as well be finished here.

Cass could not well remain in retirement for the four years until the next election. Senator Porter's term was to expire on the 3rd of March, 1845, and the democrats having full control of the legislature, Lewis Cass was elected to succeed him, and with only a brief interval in 1848, when he resigned upon his nomination for the presidency, he continued to represent Michigan in the senate until March 3, 1857, when he was succeeded by Zachariah Chandler, who continued in unbroken service until March 4, 1875.

During the brief interval in 1848, before mentioned, Senator Cass' seat was occupied (not filled) by Thomas Fitzgerald, of Berrien county whose term extended from June, 1848, to March 4, 1849.*

*Thomas Fitzgerald was born at Germantown, N. Y., April 10, 1796, came to Michigan at an early day and commenced the practice

Governor John S. Barry was chosen to succeed himself in 1843, and O. D. Richardson was re-elected lieutenant governor, and the personnel of the government was but little changed, except that Charles G. Hammond succeeded Alpheus Felch as auditor general, and Franklin Sawyer was replaced by Oliver C. Comstock, of Marshall, as superintendent of public instruction.

In 1845 the election resulted in the choice of Alpheus Felch for governor and William L. Greenly for lieutenant governor.

On February 2, 1847, Alpheus Felch was elected United States Senator to succeed Governor Woodbridge, whose term of office would expire March 3. Lieutenant Governor Greenly becoming acting governor during the rest of the term ending the first week of January, 1848.

Michigan continued to be represented in the senate by Lewis Cass and Alpheus Felch until March 4, 1853, when Charles E. Stuart of Kalamazoo succeeded Senator Felch, and became the last representative of the democratic party of Michigan in the senate to this date (1905).

But in the national House of Representatives there was greater change and fluctuation in the Michigan delegation. In the 29th Congress (1845-47) John S. Chipman took the place of Lucius Lyon, James B. Hunt, and Robert McClelland being re-elected.

In the 30th Congress (1847-1849) Charles E. Stuart of Kalamazoo succeeded Chipman and Kinsley S.

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of law at St. Joseph. He was bank examiner under Governor Mason, was democratic candidate for lieutenant governor in 1839. Was defeated by J. Wright Gordon, whig. Upon the resignation of Senator Cass, June, 1848, he was appointed senator *pro tem.* by Governor Epaphroditus Ransom. On the assembling of the Legislature of 1849 it at once proceeded to re-elect General Cass to finish out his own term. Senator Fitzgerald did not again take any prominent part in public life and died at Niles, March 25, 1855.

Bingham of Livingston county superseded James B. Hunt.

Then follows a period to the end of the democratic supremacy in 1854, when we find some names of members of congress not familiar to the present generation of Michiganians.

In the 31st Congress (1849-1851) the delegation was Kinsley S. Bingham, William Sprague,* and A. W. Buel.

In the 32nd (1851-1853) it consisted of James L. Conger, E. J. Penniman and Charles E. Stuart.

In 1853 Charles E. Stuart succeeded A. Felch in the senate and the house roll then became in the 33rd congress (1853-1855) Samuel Clark, Detroit; David Stewart, Detroit; David A. Noble, Monroe; and Hester Stevens, Pontiac, which brings the record down to the end of the democratic era, where we leave it for the present.

With reference to Michigan's representation in Congress during the first twenty years of statehood (1835-1855) it may be said that it was not only eminently respectable, but in the senate highly honorable. As already said, General Cass was a national figure,—one of the greatest, and such men as Lucius Lyon, William Woodbridge, and Alpheus Felch were an honor to the state.

In new States, senators are generally elected from among the young and vigorous, while they have still the strength and industry for efficient service. Thus Lucius Lyon was elected senator at thirty-five, John Norvell at forty-five, Alpheus Felch at forty-one, Porter at forty-two. Only Woodbridge and Cass were past

*William Sprague was a whig and freesoiler, elected on the "Wilmot Proviso" issue.

middle life; the former sixty-one and the latter, sixty-three.

Of the two senators mentioned under the new regime, Chandler was but forty-four and Kinsley S. Bingham fifty-one.

# CHAPTER XV

## The Beginning of the Educational System

IN September, 1841, the University of Michigan became a fact rather than a disembodied ideal, and actually opened its doors for the reception of students. At that time five students were received into the "college proper."

The actual condition and development of the University can best be inferred from the following extract from the second annual report of the Board of Regents, made to the legislature of 1840.

After speaking of the condition of the finances as shown by the report of the committee on finance, the report continues:

"The condition and progress of the University proper, will be best understood by a reference to the same (the finance) report. Two professors have been chosen. The one, Dr. Gray,* was reported last year and is now receiving a salary. The other, Dr. Douglass Houghton, was appointed professor of geology and mineralogy, etc., in October last, but has not yet fully entered on his duties,† and is receiving no salary. The Regents appointed Dr. Houghton at the time mentioned that he might arrange during the present winter, in one of the University buildings appropriated for that purpose, and now ready for the reception, the minerals, zoological, and other specimens in natural science, collected and intended, as is inferred, to be placed under charge of the Regents. Four buildings are now erected and nearly completed. These are ultimately designed for the residence of the professors. For the present it is intended to appropriate one of them for recitation rooms, another for the speciments in zoology, mineralogy, philosophical apparatus, library, etc., and the remaining two as dwellings for professors. The erection of the main edifice will be postponed until the wants of the state and the resources of the University fund shall indicate the necessity and expediency of its erection."§

From this extract it will be seen that the University was opened in two of the professor's houses, while the

*Dr. Asa Gray, the celebrated botanist, long professor of bontany at Harvard University, and author of Gray's Botany.

†Dr. Douglass Houghton, State Geologist.

§House Documents 1840, 626.

other two amply accommodated the entire faculty of two.*

One of the first acts of the Board of Regents, as soon as the act of 1837 organizing the University became operative, was to purchase the Lederer collection of minerals for $4,000, and to secure a set of Audubon's Ornithology for the sum of $970. Thus, even before the first student was admitted, was laid the foundation for the museum of geology and of the library.†

Additions in botany and zoology were made from the collections of the state geological survey. July 7, 1838, Dr. Asa Gray was appointed the first professor, and as there was no university and no students, he was dispatched to Europe to purchase books for the library, and in 1840 some 3,700 volumes arrived at Ann Arbor as a result of Dr. Gray's trip abroad.

In 1842, in consequence of the financial embarrassments and of a proposal to Dr. Gray to suspend his salary for a year, he severed his connection with the University, and thus the services and prestige of this celebrated scientist were lost to Michigan permanently.

On July 22, 1841, the Regents took the first resolution to open the University at Ann Arbor that fall, instead of opening another "Branch" at that place, and Principal George P. Williams was called from the Pontiac "Branch," and Rev. Joseph Whiting, from the principalship of the Niles "Branch," the former as professor of mathematics and the latter of languages. A librarian had also been appointed, and had entered

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*The first of the "Main Edifices" was erected during the years 1841 and 1842, and first occupied in the latter year.
MS. minutes Board of Regents.

†McLaughlin, Higher Education, 40.

upon his duties,* so that the University was now fully equipped for its great mission. Rev. George P. Williams was the head of the faculty. By Section 8 of the act organizing the University it was made the duty of the Board of Regents to appoint a "Chancellor" of the University, but this duty was never performed until after the adoption of the constitution of 1850, and by that instrument the old appointive Board of Regents was abolished and an elective board of eight members was substituted to take effect from and after the year 1853. And by Section 8, Article XIII it was provided that "The Regents of the University shall at their first annual meeting, or as soon thereafter as may be, elect a *President* of the University, who shall be *ex officio* a member of their board," etc. In accordance with the mandate of the constittuion, the Board of Regents in 1852 elected Dr. Henry Philip Tappan, of New York, first President of the University.

The opening of the University presents an appropriate occasion for calling to mind the steps already taken in the provision for education in the state, and also to trace its progress in the ensuing period until the civil war. We have already seen that concurrently with the law creating the University, provision was made for the oragnization of the primary school system of the state, in accordance with the plan formulated by Superintendent Pierce in his first report to the legislature.

Early provision had been made by Congress for popular education in the Northwest Territory, in the Ordinance of 1787, by reserving one section (or lot) numbered sixteen in every township "for the maintenance of public schools within said township."

In the "ordinance" or memorial attached to the con-

*Rev. H. Colclazer.

stitution of 1835, the convention proposed that Congress should grant to the *State,* for the use of schools, Section 16 of every township. This was done. Thus one thirty-sixth of the entire acreage passed into the hands of the State as trustee for public schools.

In those states where the section 16 went to the *township* for the support of schools "in said township," the school fund was soon frittered away and dissipated, while in Michigan nearly or quite 1,100,000 acres passed to the state, to be sold for the benefit of the "primary school fund," now amounting to nearly or quite three and a half million of dollars, on which the state pays to the several counties interest at seven per cent, in proportion to their number of residents of school age. To this fund, so created, was added another by the act of 1858, which provided that fifty per cent of the receipts from the sale of "State Swamp lands," granted to the state by the United States, should be devoted to the support of common schools, and should constitute a fund on which the state should pay interest at the rate of *five* per cent per annum.

The next source of revenue for support of the primary schools is the "mill tax." By an act first passed in 1843, and modified repeatedly since, the supervisor of every township of the state is required to assess a tax of one mill on each dollar of taxable valuation, for the support of schools,* and lest the schools should suffer and possibly be compelled to suspend through failure to collect these taxes, "The town treasurer shall retain in his hands out of the moneys collected by him—the *full* amount of the school taxes on the assessment roll."

But, after all, the greatest resource for the maintenance of the common schools is district taxation,—a tax

*Laws 1843, p. 107, Sec. 44.

which the people of the several districts impose upon the real and personal property within the district for the support of their own schools and the education of their own children. From this source alone in the year 1903 there was realized the vast sum of $5,218,380.54.*

Another factor of income which is provided for in Article XIV, Section I, of the present constitution is the specific tax upon corporations, "except those received from mining companies of the Upper Peninsula," which however did not become available until 1881, when by a decision of the Supreme Court it was held that these taxes "must be held applicable under the constitution . . . to the primary school interest fund." This has added a large and constantly increasing income to the school fund. The liberal provision made for the common schools of the state may be seen from the following statement of the school revenue for the year 1903:

| | |
|---|---|
| Balance from preceding year | $2,116,320 24 |
| From primary school interest fund | 1,924,961 01 |
| From one mill tax | 1,010,899 43 |
| From District taxes for all purposes | 5,218,380 54 |
| From non-resident pupils for tuition | 96,882 81 |
| From library moneys | 165,600 68 |
| From all other sources | 1,294,922 64 |
| Total from all sources | $11,827,967 35 |

Of this vast sum of nearly twelve millions of dollars, almost ten millions was raised by direct tax upon the property and business of the state, and even of the $1,924,961.00 from primary school interest fund, the greater part is raised by direct taxation, for while the state pays the fund seven per cent on the greater part, it can borrow on its bonds all it may wish at not more than three per cent.

*Michigan Manual 1905, page 318.

To illustrate the remarkable growth of the school system of the state, the following figures are here given:

| Year. | Number of Districts. | Number of Teachers. | Number of Children. |
|---|---|---|---|
| 1836 | 55 | 98 | 2,337 |
| 1850 | 3,097 | 4,087 | 132,234 |
| 1860 | 4,087 | 7,921 | 246,802 |
| 1880 | 6,352 | 13,949 | 506,221 |
| 1903 | 7,229 | 16,664 | 744,603 |

The great increase of teachers in proportion to the number* of districts shows the influence of graded schools in cities and villages.

The graded school had its genesis in an amendment to the school law in 1843, by which two or more districts were authorized to join territory and revenues and organize a "Union school."†

In the year 1842 Detroit was made one school district and incorporated as such, and the schools at once made free.§ These were the first really free schools in the state.

The development of the "Union school" in the state is obscure. Probably the consolidated district of Detroit was the first union school, that is, in the sense of several schools under one school board, but it does not seem to have become a "graded" school until 1847, when the state capital was removed to Lansing, the school board of Detroit opened a regular graded school in the old capitol building.

This first graded school had an "infant school" a

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*Michigan Manual 1905, page 318.

†Section 37, Act No. 50. Laws of 1843. This section was afterward incorporated by the Revision of 1846, as Section 92 of Chapter 58 "of Primary Schools." For a comprehensive discussion of the rise of the graded schools see Putnam's Primary and Secondary Education, Chapter VI.

§Campbell 512. Cook Michigan, 194.

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"primary," a "middle" and a "higher" department.* "The union school spread quickly. Flint *seems* to have anticipated Detroit. Jonesville, Battle Creek, Grand Rapids, Ypsilanti, Adrian, and Port Huron established them soon after."†

Jonesville certainly had a union school as early as 1847. Adonijah S. Welch, a graduate of the University in the class of 1846, was supervising principal, and from that position was called to the principalship of the State Normal school in 1852. John M. B. Sill, afterward superintendent of the schools of Detroit, and president of the State Normal school, was a pupil in Jonesville union school, and came with President Welch to the Normal school in 1853.§

The "Ypsilanti Union Seminary" was organized in 1849, and in the spring of 1853 Rev. Joseph Estabrook was called from Clinton, where he had organized a union school, to become the "supervising principal," and under his direction it became one of the leading union and preparatory schools in the state. Its fame went abroad under the title of the "Ypsilanti Union Seminary." The school had four departments: "primary," "intermediate," "grammar," and "academic."¶

Meanwhile the "branches" of the University had been discontinued. It was found by the Board of Regents that the funds of the institution did not permit the maintenance of both the University at Ann Arbor and the eight branches scattered over the state at Pontiac,

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*For the organization and course of study of this school see Cook's Government of Michigan, 195.

†Cook's Michigan, 195.

§The writer attended the opening of the Normal School in 1853, and was, for some weeks, the guest of President Welch.

¶For a list of union schools, "so far as known," prior to 1860, with dates, see Putnam, "Primary and Secondary Education," 79. For number by decades see same work, 83. In 1850 there were 7. In 1900, 711.

Monroe, Kalamazoo, Detroit, Niles, White Pigeon, Tecumseh, and Romeo. Most of these had been originally established upon the foundation of local academies, and after they ceased to be "branches" of the University they resumed the character of private schools.

The discontinuance of the "branches" created the need of other advanced preparatory schools; and gave a new impetus to the "union school" idea, which meant graded schools with an "academic" department, the immediate progenitor of the present high schools. During the years from 1850 to 1860 the evolution went on rapidly, so that by the latter year there were eighty-five union schools in the state.

But another movement had been going on—the evolution of the *free* common school. The agitation begun by Pierce, and most ably carried forward by his most conspicuous successor, Ira Mayhew, bore fruit in the constitution of 1850, which in Article XIII, Section 4, required that a school should be maintained in every school district in the state, for at least three months in every year, free of charge, for tuition.

Prior to this (and, in fact, for a number of years afterward) the practice had been to lay a tax on the parents or guardians of the school children in proportion to the number of days attendance on the school, to make up for any deficiency of the primary school fund. This was called "a rate bill."

The constituion required that the legislature should make provision for carrying into effect the free school system within five years from the adoption of the constitution; but, for some reason, the legislature neglected this mandate until the year 1869, when the rate bill laws were repealed, and, for the first time, the schools

of the state became absolutely free, at least three months in every year.

Rapidly the evolution of the graded and high schools went on, until almost every city and village of considerable size had its graded and high school, with a "superintendent of schools;" an office that created itself by force of the situation.

But in the meantime another important factor had entered the educational field of Michigan,—a State Normal School.

From the very beginning, Superintendent Pierce had urged in his reports the need of a school for training teachers, after the manner of the Prussian Normal Schools.

His immediate successors, Sawyer and Comstock, reinforced the arguments of Pierce with reiterated pleas, but it remained for Superintendent Ira Mayhew, during his first incumbency, from 1845 to 1849, to bring the movement to fruition.

The "branches" of the University had been established for two principal objects; first, to prepare students to enter the University itself; but, second, and more important at that time, to prepare a body of young men and women to become good teachers in the common schools of the state.

With this in view the "branches" were made accessible to both sexes. When in 1846 the "branches" were discontinued as state schools, the necessity became urgent for an institution whose main object should be the education of teachers and fitting them for conducting not only the primary schools, but also the graded schools just then springing up so rapidly.

Responding to this need, the legislature of 1849 established the "Michigan State Normal School," and placed it under the management and control of "the Board of

Education," consisting of three persons appointed by the governor, together with the lieutenant governor, and the superintendent of public instruction, who was made *ex-officio* secretary of the board. The first board was appointed by Governor Ransom, March 30, 1849, and consisted of Samuel Barstow, Randolph Manning and Rev. Samuel Newberry, with William M. Fenton, lieutenant governor and Francis W. Shearman, superintendent of public instruction who had succeeded Ira Mayhew March 25, 1849. Thus Mayhew labored and Shearman "entered into the fruits of his labor."

But this law had only fairly gone into operation, and a site for the Normal school been acquired at Ypsilanti, and the contracts let for the necessary building, when the new constitution made all state officers elective, and among them, the superintendent of public instructions and board of education; and the new board was elected by the people at the November election, 1852, and entered on their duties January 1, 1853.

Meanwhile, the Normal school building,—a single, plain, three-story building, one hundred feet by fifty-five, had been completed on a fine elevated site in the northwestern part of the village of Ypsilanti overlooking the picturesque valley of the Huron river, and on October 5, 1852, had been dedicated with appropriate ceremonies.

Rev. John D. Pierce, father of the Michigan School system, who at fifty-five was already beginning to be known as "Father Pierce"—by which he continued to be known among teachers and educators until his death—delivered the dedicatory address, and his quondam colaborer, who had secured his first appointment as superintendent of public instruction, General Isaac E. Crary, was present to share his joy at the birth of this latest member of Michigan's educational family.

General Crary had been appointed a member of the

board of education March 29, 1850, and was chosen a member of the first elective board November, 1852, for a term of six years; but long before he had served even half his term, he died, May 8, 1854, at his home in Marshall.

The State Normal School became immediately popular. It met a long felt want in the system of schools of the state. It stood midway between the union schools and the university; educating teachers for the one, and preparing students for the other. It completed the system, from the rural primary school of the most elementary grade, through the graded village school, with primary, intermediate, grammar, and high school departments, to the University, with its departments of literature, science, and the arts, of medicine and law.

The University itself was greatly embarassed for the want of funds. The interest on the $100,000 debt to the state and the meagre support of the "branches" absorbed nearly all its small income. On account of the hard times and the high price at which its lands were held by the legislature, the sale of its lands greatly fell off and well nigh ceased.

In 1842 the little faculty of two and a half was told that there was no money to pay them and that they must wait for better times. Most of them waited. The University was growing. The number of students increased from six during the year 1841-2 to fifty-five during the year 1844-5. In 1845 there were three professors and one tutor, besides a lecturer.

On August 6, 1845, the University of Michigan graduated its first class, eleven members taking the degree of A. B.*

*Sixty years later (1905), the number of graduates was upward of 800, not counting honorary degrees. The number of students in attendance, 4,521, and the net receipts of the foot-ball team were greater than the entire income of the university in 1845.

The University continued to grow slowly, until in the year 1847-48 the number of students reached 89, but after that the number fell off, on account of internal disturbances over secret societies, which the faculty attempted to suppress, resulting in the so-called "society war." The students who had been ostracized took an appeal to the people; a mass meeting of the citizens of Ann Arbor sided with the society students, the secret society men of the state were roused, and the matter was taken before the Constitutional Convention of 1850, resulting in two important changes. 1. The old appointive Board of Regents was abolished and a board to be elected by the people of the state substituted; 2. The Board of Regents was required at its first annual meeting to elect a *President* of the University. Both these things were carried into effect, with the result that the University started on a new career of prosperity and progress, which has never since been arrested, or seriously checked.

In 1847 the first steps were taken toward the establishment of the medical department. Early in 1850 a faculty in medicine was appointed, consisting of five professors with Dr. Abram Sager as Dean, and the department entered at once upon its long and prosperous career.

Its history has been one of constant growth, rising standards and broadening influence. The limits of this chapter do not permit any detailed reference to the distinguished physicians and surgeons, scientists and teachers, who have had places in its faculty during the fifty-five years of its existence.

But there are three names which were identified with it almost from the beginning, and until their owners passed from earth that ought not to be omitted. Abram Sager, Alonzo B. Palmer, and Corydon L. Ford. More

than once the department has been obliged to raise its standards of admission and increase the length of its course, in order to keep its numbers within the capacity of its buildings and equipments, and more than once its buildings have been enlarged to meet its still increasing attendance. At the commencement of 1905 there were graduated 101 M. D. in medicine and surgery, 22 in homeopathic medicine, and fifteen in dental surgery.

In 1859 the law department was added to the University, in accordance with the original plan. This department was a success from the very beginning This was due in large degree to the first faculty,—Thomas M. Cooley, James V. Campbell, and Charles I. Walker; the two former of whom became distinguished jurists, and for many years the leading lights of the Supreme Court of the state, giving to its decisions an authority equalled by only a few courts of the country, and to this, Justice Cooley added the fame of one of the foremost law writers of his generation.

In 1852 two events occurred which profoundly affected the future of the University. On August 12 of that year the Board of Regents, in obedience to the mandate of the constitution, elected the first president of the institution. Before this there had been no real executive of the University, but one or another of the professors had acted as head of the faculty, and to a certain extent as executive of the college.

But the demoralization growing out of the "society war" had shown its need of a *real head;* one who had a comprehension of what a university should be and the ability to plan and to execute. Dr. Tappan came to the University mature in years, in the fullest vigor of middle life, a writer known on both sides of the Atlantic, and with a grand ideal of what a university should be.

He had studied the subject of the mission of the university in France, Germany, and America; and he came with a vision of a great university that was to rise in the middle west of the United States, which should rival the greatest in the East or in Europe. He found at Ann Arbor a small western college, with a medical department just established, a small library crowded into contracted quarters, the collections of natural science poorly arranged and badly displayed, and the greater part of the college buildings occupied as dormitories for students.

At once a new life and a new spirit appeared at Ann Arbor. The faculty was reorganized and increased. The dormitory system was abolished. The library and the collections were rearranged and enlarged. A movement was inaugurated to found an astronomical observatory, which through the liberality of a few citizens of Detroit was soon realized; he broke down the wall that had surrounded the old-fashioned classical college; he introduced the scientific course of study; he broadened out the old courses; he brought new men to the university who brought with them new vigor; and when he closed his eleven years of work for and in the university, he had the pleasure of seeing the little western college to which he had come in 1852, broadening into that great school which is now at once the pride and the glory of the state.*

The second event was the reconstruction of the Board of Regents. The constitution of 1850 (Article XIII, Section 2), provided that "the legislature shall encourage the promotion of intellectual, scientific, and agricultural improvement; and shall as soon as practicable, provide for the establishment of an agricultural school."

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*See note to Chapter XV.

On February 3, 1855, the legislature passed a bill for the establishment of an agricultural college, on a tract of not less than five hundred acres, within ten miles of the city of Lansing, the farm to be selected by the executive committee of the state agricultural society, the college to be under the control of the state board of education. In June following the college was established on a tract of 676 acres, about three miles east of Lansing, and contracts let for the erection of the necessary buildings. These were completed by May, 1857, and, on the 13th of that month, were dedicated, and on the same day the college opened with seventy-three students. The state had now reached a stage of development and financial ability which enabled it to provide an ample faculty from the first, and in this respect the opening of the Agricultural College was much more fortunate than that of the earlier institutions.

It was a new departure, an untried experiment, but from the first it was a success in a pioneer movement.

In 1862 Congress granted to the state 240,000 acres of land as an endowment for the Agricultural College. This the state holds in trust for the college, and as the lands are sold pays over the interest on the fund from year to year. In addition to the income of the trust fund the legislature appropriated large sums for buildings and maintenance. In recent years the amounts thus raised by taxation have been as high as $100,000. The college is a model of its kind and has no superior in the country.

It is believed that in no state, and in no country, is there a more complete system of education, open and accessible to every child of the state, practically without money and without price, than is afforded by the system of state education of Michigan.

## Note to Chapter XV.

*The removal of President Henry P. Tappan from the Presidency of Michigan University.*

It would be unpardonable to pass from the subject of education in Michigan before the war, without some further allusion to the first president of the University, and the circumstances and method of his removal from the presidency.

Under the constitution of 1850, one regent was to be elected from each judicial circuit, and under this system the number had, by 1862, increased to ten. "All the members . . . were elected and all retired from office at the same time, making it possible that an entirely new board should have the direction of affairs as the result of a regular election. Such an event was the result of the election of 1857. A board entirely unacquainted with the proceedings of the former board, its aims and ideas, ignorant of the progress and development of the University under its management, with no sympathetic appreciation of the plans of the president, who had worked in complete harmony with the board which had elected him, took the reins of the institution into its hands January 1, 1858. A feeling of self-confidence immediately displayed itself in a board, only two members of which were college graduates, and who therefore might be expected to approach educational subjects with becoming hesitation, and pay a modest deference to the head of the University, under whose administration the University had prospered so admirably."*

In June, 1863, this board was moribund,—it was almost *in articulo mortis*. With the year the term of every member would expire. Their successors were already elected, and, with a single exception, J. Eastman Johnson, not one of them would be in the succeeding board. The members of this board were as follows:

1. Benjamin L. Baxter, Tecumseh, first circuit.
2. J. Eastman Johnson, Centreville, second circuit.
3. Levi Bishop, Detroit, third circuit.
4. Donald McIntyre, Ann Arbor, fourth circuit.
5. Ebenezer L. Brown, Schoolcraft, fifth circuit.
6. Henry Whiting, St. Clair, sixth circuit.
7. Luke H. Parsons, Corunna, seventh circuit.
8. Oliver L. Spaulding, St. Johns, eighth circuit.
9. William M. Ferry, Grand Haven, ninth circuit.
10. George Bradley, Mount Pleasant, tenth circuit.

O. L. Spaulding and W. M. Ferry were permanently absent in the army, leaving the remaining eight to constitute the board.

The constitution provided that the president should "preside at all meetings of the regents, *and be the principal executive officer of the university.*" "The board of regents shall have the *general supervision* of the university, and the direction and control of all expen-

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*McLaughlin, Higher Education, 55.

ditures from the university interest fund!"* For some years there had been some want of agreement as to the respective boundaries of the duties and perogatives of president and regents. The president had made a life study of the subject, and was at that time a leading—if not the foremost—authority in the country on university organization.

The regents, on the other hand, were citizens recently summoned from various walks of civil life, mostly from the smaller towns or rural districts.

As indicated by the quotation from Professor McLaughlin, most of them were without the education, experience, or special knowledge to prepare them to conduct the affairs of a great and progressive university. One of them had commenced life as a shoe-maker, which honorable trade he had followed for nearly ten years, when he was compelled to abandon it by the loss of a hand in firing a salute, and then took up the profession of the law. But he was a man of great force and of intense prejudices. By reason of his early life, he was radically democratic with strong dislike for anything "aristocratic." President Tappan was a man of stately bearing and rather lofty dignity. His life associations had been with the refined, the learned, the cultured. Mrs. Tappan was of the Livingstons of New York.

Between these two men there had sprung up a mutual dislike. President (or as he preferred to be known, Chancellor) Tappan was a man of inflexible disposition; and the regent was little disposed to bend. So, steadily, the tension between the two neared the breaking point.

There was another member of the Board, sometimes known as the "resident regent." He was quite different from the shoemaker. He was something of an "aristocrat" himself, but by reason of being the "resident regent" he came more frequently into discordant relations with the president. He was a banker, and an influential man in the church where the president habitually worshipped. He had a favorite candidate for the chair of philosophy which the president filled.

The remaining regents were from remoter localities and had no special grievances except that the president as "Chief Executive Officer of the University" was somewhat disposed to magnify his office, and dominate things on the campus.

The board of regents met on June 23, 1863.

The University was in the full tide of success.

It had never been so prosperous and progressive.

A great number of the alumni and undergraduates, as well as two of the regents, were in the army.

Commencement was just over. Everything had passed off with more than usual success and *eclat.*

The president was looking forward to his well-earned rest, after eleven years of strenuous and successful work.

June 23 and 24 passed as usual in routine business. June 25 present, President Tappan, Regents Baxter, Johnson, Bishop, McIntyre,

*Constitution Article XIII, Section 8.

Brown, Whiting, Bradley.— The end of their term of office was near at hand, and

"On motion of Regent McIntyre, *resolved,* that a committee of three be appointed—to prepare a report to be presented to the December meeting of the Regents, reviewing the administration of the present board up to the close of their official term.— Appointed, Regents McIntyre, Brown and Johnson.

"Regent Brown (E. Lakin Brown, Schoolcraft, Kalamazoo county) presented the following resolution: *Whereas* it is deemed expedient for the interest of the university that sundry changes be made in its officers and corps of professors; therefore,

*Resolved,* That Dr. Henry P. Tappan be and he is hereby removed from the office and duties of president of the University of Michigan, and professor of philosophy therein.

The president having withdrawn, Regent Baxter was called to the chair. The resolution was then adopted by the following vote:

Ayes, Regents Johnson, Bishop, McIntyre, Brown, Whiting, and Bradley.*

Nays, none. Absent, Regents Spaulding and Ferry. Regent Baxter requested to be excused from voting, which on motion of Regent McIntyre was granted."

The following additional resolutions followed in quick succession: "*Resolved,* That John L. Tappan (son of the president) be and he is hereby removed from office of librarian of the University." Adopted.

*Resolved,* That Rev. Lucius Chapin of Ann Arbor be and he is hereby appointed professor of moral and intellectual philosophy with a salary of $1,500 per annum."

*Resolved,* That Dr. Erastus O. Haven of Massachusetts be and he is hereby appointed professor of rhetoric and English literature in the University." Adopted.

"On motion of Regent McIntyre:

*Resolved,* That the board of regents now proceed to the election of a president of the University of Michigan."

"A vote for president was then taken with the following result:

"Regent Baxter, E. O. Haven.
Regent Johnson, E. O. Haven.
Regent Bishop, E. O. Haven.
Regent McIntyre, E. O. Haven.
Regent Brown, E. O. Haven.
Regent Whiting, E. O. Haven.
Regent Bradley, E. O. Haven."†

The deed was complete. The "resident regent" had secured his candidate for the chair of philosophy. The denominational pressure that had been brought to bear for years had its reward in the new president; the Robespierre of the regents had his revenge on the "aristocrat" and the Lilliputians swarmed all over great Gulliver.

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*Regent Parsons is not noted as being present or absent, but seems to have been absent.

†Minutes of the Board of Regents, June meeting, 1863.

HENRY P. TAPPAN

It was a triumph of the small over the great; of petty jealousy over learning, experience, and pre-eminent ability.

McLaughlin, in his history of Higher Education, very justly says: "The Board was on the very eve of dissolution. Their duties closed December 31, 1863, and their action was all the more spiteful and malicious, that at the very last moment, actuated almost entirely by personal motives, they removed from office him who had found a college and created a university, who with constant care had nourished and protected the interests committed to him until he could well say:

"This matter belongs to history; the pen of history is held by the hand of Almighty Justice, and I fear not the record it will make of my conduct, whether public or private, in relation to the affairs of the University."

The pen of history can find no easier task than to write in commendation of an administration, propelling power of which is still felt in the whole mechanism of the university."*

Of President Tappan's administration his greatest successor, the nestor of American college presidents, the now venerable and venetrated President Angell, said:—When Dr. Tappan closed his official career after years of service the literary department had more than quadrupled the number of students it had on his accession to office. The total attendance was six hundred and fifty-two, and the University was recognized on both sides of the Atlantic as a great and worthy school of liberal learning."†

The removal of President Tappan came to the people of the state as a stroke out of a clear sky.

It had been planned in darkness and consummated in intrigue. The men who planned and the agents who executed the "coup" are now chiefly remembered for "the bad pre-eminence" of the act.

But time has its revenges and its justifications. "In 1874 and again in 1876, the board of regents passed resolutions in the highest degree commendatory of Dr. Tappan's efforts in behalf of the University, attributing to him the honor of "organizing and constructing this institution of learning upon the basis from which its present prosperity has grown."§

The resolution of 1876 repealing and withdrawing "any censure expressed or implied in the resolutions which severed his connection" with the University, was offered by a regent who for years occupied the highest station in the judicial system of the state, and was passed by a board which included in its membership two members of Congress, a superintendent of public instruction, a state treasurer, and a chief justice of the supreme court.

The same board unanimously "invited Dr. Tappan to return to the University as its guest, and to receive at the hands of its corporation and its great throng of professors, students, and alumni

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*McLaughlin, Higher Education in Michigan, 57.
†University of Michigan, semi-centennial, p. 174.
§McLaughlin—*ut sup.*

an ovation which should be, as far as possible for human effort to go, a reparation for the great injury done him."*

In 1881, by unanimous vote, a new professorship in the law department, to which ex-Governor and Senator Alpheus Felch had been appointed, was named the "Tappan Professorship." Still later a fine academic building on the campus next to the presidents house, was named by the regents "Tappan Hall," and near by stands a sturdy oak tree by the side of the path leading from University Hall to the Tappan Home, known to every student of the university since 1860 as the "Tappan Oak," while just outside the university grounds is one of Ann Arbor's fine school buildings bearing over its main entrance the inscription "The Tappan School."

Truly "the pen of history is held by the hand of Almighty Justice," and it has already written its verdict in the case of the Moribund regents of 1863 vs. Henry Philip Tappan, first President of the University of Michigan.

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*The First President of the University, H. M. Utley. 5 Mich. P. & H., Coll. 30.

# CHAPTER XVI

## Governor Barry's Administration.

JOHN S. BARRY was governor of the State of Michigan longer than any other incumbent of that office, and for that and of other reasons deserves some special notice individually beside the notice due to his administration. He came to the governorship when Michigan was in the very "slough of despond;" the internal improvement system collapsed, the banking system exploded, the five million loan hopelessly defaulted, and the state bonds in the hands of so-called innocent holders; the state treasury notes at a heavy discount and the state treasury itself bankrupt.

There was hope of improvement, because affairs could not be worse.

There was nothing to do but to clear the decks of the debris of the last fight, and lay a new course.

In this respect his administration did not differ from that of his immediate predecessor, Governor Woodbridge.

John Stewart Barry was born in Vermont in 1802, and was educated in the schools of that state. As a young man he went to Georgia and resided for some years at Atlanta, and finally emigrated to Michigan, during the territorial period. He was a member of the First Constitutional Convention and offered the resolution which fixed the capitol at Detroit until 1847, and then provided for its permanent location. He served several terms in the state senate, where he was a "watchdog of the treasury" according to the modern phrase.

From the day he came to Michigan until his death, his home was at Constantine, and his business was that of a merchant.

Both personally and officially he was strict in his economies to such a degree that he was accused of parsimony and niggardliness. It was said of him, and

probably truly, that he caused the grass on the capitol yard to be cut and sold—but be it said that he turned the small proceeds into the public treasury and not into his individual pocket. There was no "graft" in the make up of John S. Barry. Of him Judge Campbell says:—"It was never the fortune of the writer to agree with Governor Barry in politics, but he cannot justly abstain from bearing testimony that he was not the mean man he has sometimes been supposed to be, and that the state and its institutions have derived lasting benefit from his rigid integrity and fidelity."*

Of him that other great jurist, Justice Cooley says:—"His honesty in public life was scrupulous, and it was a matter of course with him that he should expect on coming to his new office to give practical effect in state affairs to the prudential rules and principles which he knew must be sound and wise because they were profitable and expedient when applied to the business of an individual."†

"He was much lacking in popular manners, but he had been chosen governor in the belief that he would give the state a safe and economical administration, which above all things was what the people desired and the state needed at this time."

Hezekiah G. Wells, a political opponent, said of him:—"John S. Barry served several terms as governor,—a dark eyed, dark complexioned heavy man. Whenever any one imagined that he was a public officer to be used for the purpose of private gain, he was mistaken. Your honeyed words did not deceive him. Your web of sophistry did not entangle him. He did not take money out of the treasury that did not belong to

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*Campbell, Michigan, 516.
†Cooley, Michigan, 295.

him, and he did not intend that any one else should do so."

Such was the man who was inaugurated Governor on the first Monday of January, 1842, and remained so until January, 1846.

He was the man for the times. Born in the thrifty old commonwealth of Vermont and settling in southwestern Michigan when it was necessary to practice the utmost "closeness" to succeed as a frontier merchant, he brought to the governorship genuine Vermont integrity, and the thrifty habits of a lifetime, with an earnest devotion to the interests and welfare of the state.

The watchword of his administration was "*economy.*" He continued the work well begun by Governor Woodbridge of reducing expenses. Printing was cut down to the lowest possible amount and quality. The volume of the laws from 1842 to 1846 is the smallest in the history of the state. The type is small. The paper ordinary, the binding the cheapest paper boards.

The legislature of 1842 met on Monday, January 3, and adjourned on Thursday, February 17—the shortest "regular session" on record. Kinsley S. Bingham was Speaker of the House. The legislation of this short session consisted of eighty-nine acts and forty-two joint resolutions. There was the usual variety of amendments and repeals of portions of the revised statutes. The state accepted from the United States the grant of 500,000 acres of land for internal improvements, subject to the conditions of the granting act, and the governor was authorized to locate the lands; the office of county commissioner, created by Justice Fletcher in the revision, was abolished by act of February 10.

Among the more important acts relating to banking and currency were the act to repeal the act permitting banks to suspend specie payments, by which act the fail-

ure to redeem their bills in specie was made conclusive evidence of insolvency; the act (February 10) to provide for the withdrawal of the state "treasury notes;" the act to prevent illegal banking, by which the issue of any "shinplasters" or due bills in the similitude of bank notes by unauthorized persons or corporations is made a misdemeanor punishable with fine and imprisonment; Act No. 40 approved February 16, 1842, at one fell swoop "annulled" the corporate rights of the forty-eight association banks, originated under the general banking law; and Act 41, approved the same day, "repealed the charters" of the fourteen chartered banks, but with the provision that if several of them, named, should comply with the requirements of the act of April 12, repealing the suspension law, "and shall continue to do a *legitimate* banking business," they shall be exempt from the repeal. The act of April 15, 1839, to establish a state bank (Governor Mason's favorite financial scheme) was repealed.

An act (No. 60) was passed for the adjustment of the "five million loan," the "part paid bonds," by which the auditor general and the state treasurer with the approval of the governor, were to determine the amount which had been paid on the five million loan and the $200,000 other bonds negotiable with it, and the governor was then to make proclamation at Detroit, New York, and Philadelphia, that the holders of the aforesaid bonds "will be required to deliver at the office of the state treasurer, that the same may be cancelled, the amount of the said bonds for which no equivalent shall be ascertained to have been received by the state," "or that the whole amount of said bonds may be so returned and that thereupon new bonds will be issued for the amount found due by the state to the holders of the original bonds."

This was the celebrated "readjustment" of the five million loan, and gave rise to the "part-paid bonds," which formed a feature in Michigan finance until after the close of the civil war.

But the final section of this law proved to be the most important one. It provided that the auditor general, the state treasurer, and the secretary of state "under the sanction of the governor" should "enter into negotiation with the holders of any or all of the then outstanding state bonds," to "sell and convey in satisfaction thereof, *the railroads* and other public works belonging to the state, and also such portion as may be necessary of the public lands that will become the property of the state, under the late act of Congress, granting to the state half a million acres of public lands," etc.

This was the "opening wedge" for the sale of the Central and Southern railroads, all that remained of any value of the great scheme of internal improvements; a sale which became an accomplished fact four years later.

Another act of significant interest was the reduction of the price of University and school lands, to $12 and $5 respectively. The University was burdened with a debt of $100,000 on which the interest amounted to $6,000 per annum, and though the branches had been reduced to four in number, and only $800 was allotted by the regents for their support, the income was so small that the regents were without means to pay the salaries of the two professors, which resulted in the loss of one of the most valuable of them.

The legislature of 1842 enacted another law which became a permanent feature of state policy—the law exempting from process by execution the personal property necessary to maintain a modest home, and the tools of trade necessary to a livelihood. This beneficent law, in

effect, was embodied in the constitution of 1850 as Section 1, Article XVI.

The tax law was fully revised. The charter of the Detroit and Pontiac turnpike was repealed; Free schools established in the city of Detroit; the act of April 12, 1839, establishing the Michigan State Guard was repealed; as was also the first game law for the protection of birds in Wayne county, and a law passed to authorize the leasing of the labor of state convicts, which has been the policy ever since.

A joint resolution prohibited the making of any new contracts on the public works, except for running of cars on the completed portion of the railroads. A memorial to Congress asked a resurvey of eighty-one townships of land in the northern part of the lower peninsula, fraudulently returned as surveyed, but which were surveyed chiefly in the office on paper; a constitutional amendment was passed and referred to the next legislature, requiring that "every law authorizing the borrowing of money or issuing of 'state stocks' whereby a debt shall be created," shall specify the object, which shall be but one, and "no such law shall take effect, until it shall be submitted to the people at the next general election, and be approved by a majority of the votes cast."

This amendment, by the act of the succeeding legislature and the approval of the people at the ensuing general election became a part of the constitution. Congress was memorialized for a military road from Saginaw to Mackinac, and a resolution, curious rather than important, was one asking Congress to remit the fine of General Andrew Jackson imposed by Judge Hall at New Orleans, in 1815, for contempt of court

Another curiosity of legislation is that on February 16, the legislature passed a joint resolution instructing the commissioner of internal improvements to run

trains "on the Central railroad on the first day of the week, at the same hours that it does on other days," and the next day passed a joint resolution "that the Board of Commissioners of internal improvement be and they are hereby required to *restrain* the running of cars on the first day of the week, on the railroads of this state," etc.

Of subsequent interest is the fact that the township of *Lansing,* Ingham county, was organized and the first township meeting directed "to be held at the shantee near the cedar bridge in said township," which tends to show the then primitive condition of the future capital of the state.

There was much other legislation of a local character; many new townships organized or reorganized, charters amended and revised; state roads laid out, rivers authorized to be dammed, and bridges to be built and every provision made for closing up the old era and opening a new reign of common sense, hard work and strict economy.

There is no surer way of finding out the movement of popular feeling and opinion in a free community than to ascertain what their representatives are writing in the statute books; what evils are being remedied, what new laws enacted, what new things attempted or inaugurated. The legislature is the state in microcosm.

The eighth legislature met at Detroit, Monday, January 2, 1843, and adjourned March 9, having been in session sixty-seven days and passed ninety-eight acts and twenty-five joint resolutions. Robert McClelland (afterward governor), was Speaker of the House, and Origen D. Richardson continued lieutenant governor.

Among the principal acts of the session having a bearing upon the general policy of the state were the act requiring the state treasurer to destroy all "treasury notes" then in the treasury, amounting to $25,000, also

the unissued sheets in blank and all the plates from which they were printed; an act to liquidate the public debt and provide for the payment of interest thereon, (Act No. 73). This act provided for the issue of new bonds to take up the interest coupons on outstanding bonds amounting to $1,387,000, to July 1, 1845. The governor was authorized to negotiate for the surrender of the bonds of the five million loan held by the Morris Canal and Banking Company and the United States Bank, and to deliver to the holders new bonds for the money actually received by the state, these bonds to be payable in the same manner at the same time as the original bonds.

It was under this law that a large part of five million loan was "readjusted."

Another act (No. 74) provided for the adjustment of all unsettled damages growing out of internal improvements. For this purpose the Board of State Auditors were invested with full authority, and it was made their duty to give a certificate of their findings.

Other acts relating to the completion of the railroads were the appropriation of $119,000 out of proceeds of public works for the purchase of railroad iron, and 150,000 acres of the internal improvement lands to extend the Central road to Kalamazoo, and the joint resolution forbidding new contracts was suspended so far as related to completing the Central road to Kalamazoo and the Southern road to Hillsdale; an appropriation of 16,000 acres of land was made for the preservation of the Clinton and Kalamazoo Canal, from Rochester to Frederick, and 5,000 acres to continue the improvement of the St. Joseph river.

Another original and permanent act was the establishment of the *State Land Office.*

All school and University lands were transferred

from the care of the superintendent of public instruction to the commissioner of land office, and the salary of the former reduced to $500 per annum.

The land office has since remained substantially as then organized.

The general tax law and the primary school law, and the law relative to the estates of deceased persons were once more overhauled and fully revised.

District courts with criminal jurisdiction were established in the counties of Wayne, Washtenaw, Jackson, and Oakland.

Protesting most vigorously that Congress had no constitutional right or power to require it, the legislature divided the state into three congressional districts and provided for the election of three representatives therein. By another act (No. 89) the Upper Peninsula was divided into six counties, Michilimackinac, Chippewa, Schoolcraft, Marquette, Ontenojon, and Delta. Some of the boundaries are quite imperfect and whether the spelling of Ontenojon was an accident or intentional, we have no means of knowing, but April 3, 1848, it was changed to its present form Ontonagon, a corruption of the Indian words said to mean "hunting river."

The counties of Schoolcraft, Marquette, and Ontonagon were attached to the county of Chippewa for judicial purposes, and the county of Delta to Michilimackinac for the same purposes.

A resolution favoring the remission of Andrew Jackson's fine again signalized the loyalty of the legislature to "Old Hickory," and they emphasized it by declaring "That any attempt to insert in the law any *proviso* calculated or intended to approve the course pursued by Judge Hall would be an insult to justice," etc.

A very long and minute memorial in favor of harbor

improvements (most of which have since been actually made) was adopted, and the governor requested to transmit copies thereof to the governors of the state of New York, Pennsylvania, Ohio, Indiana, Illinois, and the Territory of Wisconsin, and ask their aid and co-operation.

The senators of the state were "instructed to use their exertions in the ratification of the treaty lately negotiated with the Chippewa tribe of Indians residing in a part of this state."

The Indian treaty with the Chippewa nation practically completed the extinction of the Indian title in the two peninsulas of Michigan. The treaty referred to was concluded October 4, 1842, with the Chippewas of the Mississippi and Lake Superior and was ratified March 23, 1843, and ceded all that region to which the Indian title had not already been ceded, washed by the Lake Superior on the north and extending westward from Chocolate (now Chocolay) river to Montreal river, and southward to the boundary between Michigan and Wisconsin. This cession also included Isle Royale.

The first cession of Indian lands in the Upper Peninsula was made by the treaty of Greenville, 1795, as stated in volume two of this work.

A small tract along the St. Mary's river was acquired by the treaty negotiated by Governor Cass in 1820.

The lands of the Lake Superior country were acquired, first, by a treaty with the Ottawas and Chippewas, concluded March 28, 1836, and ratified May 27, 1836, by which were ceded the lands bounded on the north by Lake Superior, on the east by St. Mary's river, on the south by Lake Michigan, and on the west by the Escanaba and Chocolate rivers; second, by a treaty with the Menominees, concluded September 3,

1836, and ratified February 15, 1837, by which was ceded a tract of land bounded on the east by the Escanaba river, on the south by the Green bay, on the west by the Menominee river, and on the north by an irregular line extending from the mouth of the Brulè to the head waters of the Escanaba; and third, by the treaty first above mentioned.*

At the date of the adoption of Michigan's first constitution, the Indian title had not yet been extinguished to the northwestern portion of the lower peninsula from Grand river northward to the straits of Mackinaw, substantially the tract lying west of the land grant of the Grand Rapids and Indiana railroad. This title was extinguished by the treaty of March, 1836, ratified May, 1836.†

That completed the secession of the lands of the Lower Peninsula, with the exception of special reservations to the Pottawattamies, south of the St. Joseph, and to the Ottawas in Oceana, Mason, Manistee, Antrim, and Emmet counties, and perhaps others, on the western part of the state.

There is one other act of the legislature of 1843 which deserves passing notice. Some slight allusion has been made to it in a previous chapter.

The legislature of 1840 had "laid off" and named some thirty-one new counties in the northern part of the Lower Peninsula. This was in accordance with a recommendation of Dr. Houghton, in order that the state might be more perfectly mapped by the geological and topographical survey, as directed by the legislature. To some nineteen or more of these new counties Indian names were given, by whose suggestion, the writer has

*Ex. Document 69. House of Representatives. 1st session, 31st Congress.

†Treaties of the United States. Peters' Edition, Vol. VII, p. 491.

been unable to discover, but considering that the suggestion to "lay off" the new counties came from Dr. Houghton it seems not improbable that the names were suggested by him. By act No. 67, 1843, the names of sixteen of these counties were changed. The county bordering on Thunder bay was changed from Anamickee (Thunder) to Alpena, which is "neither flesh, fish, nor good red herring."

Kesh-kauko (spelled in the act Reshkanko) the patronymic of the great chief of the Saginaws since the memory of man ran not to the contrary, was changed to Charlevoix, the name of a French adventurer. The county of Meegisee, the euphonious name of the ancient Ottawa village which occupied the present site of Elk Rapids, was changed to the senseless word Antim, which in 1863 was corrected to Antrim; the beautiful Ottawa name, Omeena, is converted into the stilted hyphenated, French appelation "Grand Traverse;" and so on through the list.

At this session a constitutional amendment was passed, changing the day of general election from the "first Monday of November and the day following," to the First Tuesday. This amendment was submitted by the following legislature and approved by the people at the general election of 1844.

The legislature of 1843 made the usual number of amendments to the revised statutes, organized about the usual number of new townships, "laid out" the usual number of state roads, with the usual saving clause that the state should not be liable for any expenses or damage by reason of laying out the roads, granted the privilege of "damming" most of the streams of the state, and adjourned. Under the lead of Governor Barry it had gathered up and removed the last remnants of

the "wild cats," had put a stop to all "internal improvements," except finishing the Central road to Kalamazoo, and the running of cars on the finished portions, and was trying to convert the Clinton Canal into a water power; it had provided for the retirement and destruction of the treasury notes; made treasury warrants payable in lands, and "readjusted" the part-paid, five million loan bonds.

The ninth legislature met January 1, 1844, and adjourned on March 12, after sixty days actual session. It passed ninety-six acts, and thirty-four joint resolutions. The state officers remained the same as in 1843, with the exception that John J. Adams was transferred from the state treasury to the auditor general's office, *vice* Charles G. Hammond, and was succeeded by George Redfield as treasurer. Edwin H. Lathrop was speaker of the house, O. D. Richardson, president of the senate.

There is very little in the legislation of this year of historic interest. The enactments are mostly of a local character,—state roads, incorporations, relief bills, etc. But there is a notable number of charters for *plank road* companies, showing that the people were still seeking means of better communication. Among the earliest acts was an act making words imputing the want of chastity to a female actionable slander, the same as words charging the commission of a criminal offence.

A very notable act was that to define and protect the rights of married women, providing that all her real and personal property acquired before marriage should be and remain her separate property, the same as if she were unmarried, and should not be liable for the debts of the husband. This marked a signal advance in the law, which has ever since remained a part of the permanent

policy of our laws. Its influence can hardly be overestimated.

Other acts worth noting were that appropriating 64,000 acres of land for completing the Central railroad from Marshall to Kalamazoo; and $75,000 "out of the net proceeds of the road" for iron and spikes for the same;" appropriating 10,000 acres for the improvement of the St. Joseph river; the scrip issued to be payable in lands only.

An echo from the "wild cat" bank times was the act authorizing and directing the auditor general to cancel and discharge the securities of the banking associations deposited with him, whenever evidence should be presented that their debts had been paid. Acts were passed for a new "consolidation and revision" of the general laws, the judges of the supreme court, and the chancellor to appoint the commissioner to revise, who was given until the second Monday of January 1846 to complete the work, and his salary fixed at $600 per year payable quarterly.

A reporter of the supreme court decisions was provided, who should prepare the decisions for publication and publish when there were enough to make a volume of 600 pages; the Land Office was established at Marshall and the entire act of 1843 relating thereto revised and recast; the militia law was revised and amended as usual.

Before calling attention to the act for the relief of the University of Michigan, it will be best to first refer to the annual report of the Board of Regents, made to the superintendent of public instruction, and by him laid before the legislature of 1844. The regents say:*

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*Joint Documents, 1844, Annual Report Superintendent of Public Instruction, p. 18.

The unavoidable expenditures for the next fiscal year may be estimated as follows:

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| For two professors, at the annual salary of $600 each | $1,200 00 |
| For one professor for six months | 300 00 |
| For one tutor at $300 | 300 00 |
| For four principals of branches at an annual salary of $200 | 800 00 |
| For incidental expenses, including salary of Secretary, insurance and expenses of regents | 500 00 |
| Interest on $100,000 loan | 6,000 00 |
| | $9,100 00 |
| Estimating receipts from interest fund the same as the past year | 7,409 05 |
| The estimated expenses will exceed the receipts | 1,690 95 |
| To which should be added outstanding warrants | 1,231 59 |
| | $2,922 54 |

Such was the condition of the University of Michigan in the third year of its existence. It may be good reading for the faculty of more than three hundred members, who find it difficult to live on the salaries of the present day. From the same document, p. 23, we learn that the treasurer of the University had cash on hand $9.14.

It was in view of this state of the finances of the University that on March 11, 1844, the legislature passed "an act for the relief of the University of Michigan."

Section 1. Provides that upon the regents conveying to the state the lot and the building thereon, situate in the city of Detroit and "known as the female seminary lot" (being the lot now occupied by the Detroit City Hall) the treasurer of the state shall credit the said regents with $8,095 as so much money paid by them to the state.

Section 2. All internal improvement warrants heretofore received by the regents in payments of any debt or herafter so received, not exceeding $7,000, shall be received and credited in like manner.

Section 3. The State shall also credit the regents with the amount of the state scrip in the treasury received in payment of university lands.

The "female seminary lot" was a part of the assets of

the Bank of Michigan, turned out to the regents in liquidation of their deposit of $9,000 in that bank when it failed.

The state, no doubt, made a good bargin on the "female seminary lot" and building at $8,095, and it was very kind of the state to credit the regents with its own irredeemable paper, which it had taken for good university lands.

This year was the "Valley Forge year" of the university, when petitions were coming up from the western part of the state for its discontinuance, and for turning over its endowment to the primary school fund.*

The year 1844 was, on the whole, a year of the recuperation and advance. The bottom had been found, and the state was preparing for a new forward movement based on sounder principles. The people were beginning anew, with strong heart, and good hope, and plenty of experience.

The Lower Peninsula was already rich in a fertile soil, splendid forests, fine streams, abundant water-falls, great navigable waters, improving highways, pretty villages, and growing cities. The Central railroad was already open to Marshall, and the Southern soon to reach Hillsdale. It was not a bad country to live in, if one could get along without money.

The Upper Peninsula was on the very brink of discoveries of rich mineral wealth, beyond the dreams of Houghton and Burt—a wealth which would make the "Toledo strip" look like a mosquito swamp by comparison.

The tenth legislature, the last under Governor Barry's second administration, met at Detroit January 6, 1845, and adjourned *sine die* March 24.

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*See House Report No. 26, 1844—Senate and House Docs. 1844.

Alfred H. Hanscomb, of Oakland county, was speaker of the house, and O. D. Richardson was still president of the senate. The state officers continued the same as in the previous year. The session laws of 1845 made perhaps the thinnest volume of laws ever issued by any legislature of this state, although the acts passed numbered 115, there is very little of historic interest found in them. They are mostly local or private laws. Many new state roads are authorized, and others altered; the few remaining streams not already dammed, are authorized to be dammed; the Michigan Central college at Spring Arbor, the Ypsilanti Seminary and the Ann Arbor Female Seminary are incorporated; 20,000 additional acres are appropriated to complete the Central railroad from Marshall to Kalamazoo; and 10,000 acres to repair the "superstructure" of the Palmyra and Jacksonburg railroad to Tecumseh; the time was extended six years for building the Monroe and Ypsilanti; (it has not been built yet); acts passed to authorize county boards of supervisors to raise by tax a sum sufficient to erect county buildings; to provide for the sale of delinquent tax-lands, bid off to the state, for the reassessment of taxes rejected by the auditor general, a state Board of Auditors was provided to examine and pass on claims growing out of the sale of any state lands; jurisdiction was ceded to the United States over 224 acres of land around the Dearborn Arsenal, and provision made for taking the census of 1845 under the state constitution.

The senators and representatives were requested "to use all proper exertions for the annexation of Texas to these United States;" Resolutions in favor of reduction of postage; in favor of asserting jurisdiction over "the Oregon country;" in favor of a harbor at the mouth of Galien river on Lake Michigan were passed; and a reso-

lution adopted for an immigration agent to reside in New York and direct immigrants to Michigan.

It will be seen that the day of getting rich on irredeemable paper was past; that the time had come for railroads and canals to *follow* population rather than to *precede* it; that the state was trying to pay old debts with land rather than to make new ones; that care and economy in administration had taken the place of "vaulting ambition which doth overleap itself," and much of all this was due to the four years incumbency of Governor Barry.

# CHAPTER XVII

## A Second Transition Period
## Michigan Railroads

DURING the years 1846-47, the state passed through a new transition period. It was during this period that the state sold out the last of its railroads and authorized the board of internal improvements:

"To advertise and sell on such terms as will be most advantageous to the state, the engines and other property belonging to the state." and that "said board of internal improvements is hereby directed to make a correct inventory of ALL PROPERTY belonging to, or connected with the works of internal improvement of the state, not included in the sale of railroads, and advertise and sell the same at public or private sale, or such terms as said Board shall deem most advantageous for the state."

This was the final cleaning up, similar to the auction sale so often seen when one is going to move away from the old farm, and seek "fresh fields and pastures new."

The state had concluded to go out of private business and confine itself to such governmental functions as private enterprise was not by nature adequate to perform.

Moreover, there had been a change in the personnel of the administration.

The November election of 1845 had resulted in the choice of Alpheus Felch (then of Ann Arbor, formerly of Monroe) as governor, and William L. Greenly as lieutenant governor, who was to become acting governor, March 4th, 1847, by reason of the election of Governor Felch to the United States senate. At the same time Senator Charles P. Bush became acting lieutenant governor.

Alpheus Felch is a name closely identified with the early history of Michigan. He was born in Maine in 1806, a graduate of Bowdoin College, he came to Michigan in territorial days and settled at Monroe; he

took a small part in the "Toledo War" as aid-de-camp to General Joseph W. Brown, commanding the Michigan forces, and after passing through all the grades of office to the senate, was appointed by President Pierce a commissioner of Spanish land claims, under the treaty with Mexico; after fulfilling the duties of that trust he settled down to practice law at Ann Arbor, his political party having been permanently displaced from power in Michigan, and at last when well past his three-score and ten years, rounded out his honorable and useful life as Tappan professor of law in the University of Michigan. Governor Felch was a decided contrast to Governor Barry in one respect—he was a man of extremely urbane manners and fine culture.

William L. Greenly, who became acting governor, was born in Madison county, New York, in 1813, was graduated from Union College in 1831, studied law and settled at Adrian, Michigan, in 1836; was a member of the state senate from 1837 to 1839; was lieutenant governor from January 18 to March 4, 1847; and acting governor from March 4, 1847, to January, 1848. As acting governor he signed the bill for the removal of the capital from Detroit to Lansing, and supervised the raising of Michigan troops for the Mexican war. Other state officials during this administration were Gideon O. Whittemore, secretary of state; George B. Cooper, state treasurer; Digby V. Bell, auditor general, and Ira Mayhew, superintendent of public instruction.

The eleventh legislature convened at Detroit Jan. 5, 1846, and did not adjourn until May 18, the longest session in the history of the state to that time. The session eventuated in 160 acts and 30 joint resolutions, but only a few of them are sufficiently significant to require notice here.

A year additional time was given for presenting

W. H. Withington

claims against the state for damages growing out of the state public works; the state board of auditors was authorized to audit and liquidate all claims for damages to animals and other property by the running of cars and locomotives on the state railroads. Houghton county was organized, and the counties of Houghton, Schoolcraft, Ontonagon and Marquette organized as a judicial district. The discovery of rich mines of iron and copper in the Upper Peninsula was marked by the passage of several laws relative to the mineral rights of the state. The commissioner of the land office was authorized to lease the mineral lands of the state; an act was passed for the regulation of associations "for mining and manufacturing iron, copper and other materials;" provision was made for the publication of the revised statutes.

The commissioner was required to procure 6,000 copies of said revised statutes, together with the Declaration of Independence, the Constitution of the United States, and divers other important documents relating to the organization and admission into the Union of the State. Sanford M. Green, the compiler, was appointed commissioner on publication, and was allowed three dollars per day "for the time actually employed."

But the most important and far-reaching of all were the acts for the sale of the Ceneral and Southern railroads, to companies organized by the same acts for the express purpose of taking them over. The first (act No. 42), incorporated the Michigan Central Railroad Company, with the usual corporate rights, and gave an option for six months to purchase and take from the state the Central railroad with all its appurtenances, including machine shops, stock, material, etc., for $2,000,000, of which sum $500,000 should be paid to the state treasurer within six months from the passage of the act, and $1,500,000 within one year thereafter. On

making the first payment of $500,000 the company to be put in possession of the railroad and all appurtenances. But in case the railroad company should fail to make said payment within the six months, then the corporation should thereby be dissolved, and thenceforward neither have nor exercise any corporate powers whatever. The payments might be made (except an amount sufficient to meet the interest at six per cent on the new bonds issued in liquidation of the "Five Million Loan"), in either of four classes of state obligations then outstanding, one prime object of the sale being to pay off in that manner the bonded debt of the state.

In conclusion the state reserved the right at any time after thirty years from the passage of the act by a vote of two-thirds of each branch of the legislature, to alter, amend or repeal the same, but subject to damages sustained by such alteration, amendment or repeal.*

By act No. 113 (May 9, 1846), the Michigan Southern Railroad Company was incorporated in like manner, for the express purpose of taking over the Southern railroad and all its appurtenances. The corporators were for the most part Michigan men, resident along the line of the road.†

To the corporation so formed the option was given for thirty days, to contract with and purchase from the state, all the right, title and interest of the state in the Southern railroad for the price and sum of $500,000, of which sum $10,000 was to be paid to the state treasurer within thirty days after the act should take effect, and a further sum of $40,000 within three months and at the time of the payment of the said $40,000 the company should execute to the state a bond

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*Acts of 1846, pages 37 to 64.
†Acts of 1846, page 170.

in the penal sum of $100,000 with sufficient securities, to be approved by the auditor general, conditioned for the payment to the state of all damages through failure of said company to perform its contract. And thereupon the company might take possession of said railroad; and if within nine years the said company should pay to the state the further sum of $450,000 in 18 semi-annual instalments, with interest at 6 per cent, then and thereafter all the right, title and interest of the state in the said Southern railroad should vest in and become the property of said company. If the company should make default in the payment of the $10,000 within thirty days, and within three months the further sum of $40,000, then the said Michigan Southern Railroad Company should at once be dissolved, and thenceforward neither have or exercise any of the rights, privileges or immunities of a body corporate. The remainder of the act was very similar to the act for the sale of the Central road. The state made the same reservation of right to alter, amend or repeal after 30 years.

The act was to take effect and be in force from and after the acceptance of the charter granted to the *Michigan Central Railroad Company*. That is the two acts were to stand or fall together. In addition to these two most important acts and in direct relation thereto, the charter of the Erie and Kalamazoo Railroad Company was amended so that it should not extend its road further north than the village of Adrian. This was to protect the rights granted to the Michigan Southern Railroad Company.

The legislature also ceded jurisdiction to the United States over a tract between Black river and St. Clair river, adjacent to Fort Gratiot, of 612 acres, being a United States military reserve, retaining, however, the

right to execute civil and criminal process within the said tract.

The board of internal improvement was authorized and instructed to lease the Clinton and Kalamazoo Canal for a term not exceeding 20 years, upon such terms as should be for the best interest of the state. The terms of the lease were to include the putting and keeping the canal in order, and an annual report to the legislature.

We learn from the annual report of the state treasurer, Dec. 1, 1846, that

"The company incorporated for the purchase of the Central Railroad having duly organized under the law, and paid into the treasury the first installment, were placed in possession of the road on the 24th of September last." "They have since made other payments amounting in all to $1,634,489.78, leaving a balance of $365,510.22 still due the state." "On the 22nd of October last the incorporators for the purchase of the Southern Railroad, paid $10,000 in internal improvement fund warrants into the treasury, being the first installment; on the payment of the second installment of $40,000, which becomes due the 23rd inst., they will be entitled to the possession of the road."*

Of these two great lines of Michigan railways it is only necessary to say further, that the Central was steadily pushed forward to Lake Michigan at New Buffalo, and thence around the southern bend of the lake, reaching Chicago in the month of May, 1852.†

It has always remained Michigan's principal railway, and its lines now radiate to South Bend, Ind., South Haven, Grand Rapids, Mackinac (via Jackson, Lansing, Saginaw and Bay City), from Detroit to Bay City, and several other connecting lines to Midland, Gladwin and Toledo, beside the "air line from Jackson to Niles. The cost of its system has been upward of $45,000,000. Its total mileage reported in 1902, was 1,132 miles

*Possession was actually taken of the Southern road Dec. 28, 1846. Laws 1846, Appendix, p. 217.

†Address of W. C. Ransom, Michigan semi-centennial, p. 194.

The Michigan Southern Railroad Company which took over the Southern road in 1846, had a more checkered career. It embraced not only the original main line from Monroe to Hillsdale, but the "Tecumseh branch," being a part of the old Palmyra and Jacksonburg road, and also the Lake Erie and River Raisin from Monroe to La Plaisance bay. For four years the new company did little to complete the road, extending it only to Jonesville; but from 1850 to 1852 it was pushed with energy, reaching Chicago in March 1852.*

In 1849 the Erie and Kalamazoo railroad was leased in perpetuity to the Michigan Southern and became a part of its main line from Toledo to Chicago, but the Erie and Kalamazoo Company still exists and draws its annual rental of $30,000 per year. May 1, 1855, the Michigan Southern road was consolidated with the Northern Indiana, under the name of the Michigan Southern and Northern Indiana Railroad, and in 1869 lost its identity by consolidation into the Lake Shore and Michigan Southern Railway Company, whose lines extend from Buffalo, N. Y., to Chicago, Illinois.

This road is a good example of the way in which the modern railroad has wiped out state lines on the map. Starting from Buffalo in the State of New York, it crosses in succession the states of Pennsylvania, Ohio, Michigan, Indiana and Illinois. It has been constituted by the union or consolidation of nine different short lines, of which the Michigan Southern was the chief.

Other railroads incorporated before the end of the war were the following.

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*Report of the Commissioner of Railroads, 1877, p. xxvi. This differs materially from the address of Major Ransom. Semi-centennial, p. 194, and it is believed that the latter is correct and that the Michigan Southern reached Chicago in *May*, 1852, within a few days of the Central.

The "Oakland and Ottawa," incorporated April 3, 1848, to build a road from Pontiac to Lake Michigan; consolidated with the Detroit and Pontiac April 21, 1851, as the Detroit and Milwaukee Railway. This line was sold on mortgage Oct. 4, 1860, and was operated as the Detroit and Milwaukee Railroad. November 1858 the Detroit and Milwaukee Railway ran its first train to Grand Haven on Lake Michigan, and thus the three lines across the state, from boundary to boundary, undertaken by the state just a score of years before, was completed. This road is now a part of the Grand Trunk system.

The "Peninsular Railroad" was chartered April 22nd, 1862, to build from the state line at Menonimee across the Upper Peninsula to Marquette. It was consolidated in 1865 with the Chicago and Northwestern, and lost its identity.

The "Detroit and Howell" Railroad filed articles Sept. 21, 1864; became part of the Detroit, Lansing and Northern, and is now swallowed up in the great "Pere Marquette system."

The "Flint and Holly" filed articles Oct. 1863, and consolidated with the Flint and Pere-Marquette, which filed its original articles January 28, 1857. It is now part of the "Pere-Marquette system."

The "Grand Rapids and Indiana Railroad" was one of the "land grant" railroads, and filed its articles April 1, 1855, to build a road north from the Indiana state line to Grand Rapids. July 30, 1857, it consolidated with the "Grand Rapids and Mackinac" and the Grand Rapids and Fort Wayne," an Indiana corporation. It still retains its individual name, though it is controlled by the great Pennsylvania system.

These constituted the Michigan railroad system at the era of the civil war. Already the dream of Governor

Mason and the legislature of 1838 had been realized, for three roads across the state. *They* planned for 1,100 miles of railroad in the state. In 1902 fifty-four different corporations reported a mileage of 8,366 miles of steam railroads, while 14 corporations reported upward of 500 miles of electric roads.

The growth of the system is shown, in part, by the following figures:

| | |
|---|---|
| Miles of railroad in 1838 | 63 |
| Miles of railroad in 1848 | 326 |
| Miles of railroad in 1858 | 703 |
| Miles of railroad in 1867 | 1,000 |

Next to the sale of the state railroads, the most important event of the year 1846 was the adoption of the *Revised Statutes.*

We have seen that great dissatisfaction existed from the first with the revision of 1838, made by Chief Justice Fletcher; also that March 2, 1844, the legislature passed an act for the "consolidation and revision" of all the general laws of the state; the revision of the commissioner to be reported to the legislature by the second Monday of January, 1846, and Sanford M. Green* was appointed by the judges of the Supreme Court as commissioner to make the revision.

The revision of 1838 formed the basis of law on which the revision rested, and all general laws since en-

*Sanford M. Green came to Michigan in 1836 and settled at the Rapids of the Shiawasse river, afterward known as Owosso, where with D. S. Ball he built the first mill. Was State Senator, elected from Shiawasse county 1843. Removed to Oakland county, from which he was elected to the Senate to represent the same district, 1844, '46 and '47. Appointed Justice of the Supreme Court 1848 to 1852. Circuit Judge acting as Justice of Supreme Court, 1852 to 1857, when he resigned. He removed later to Bay City, where he served as Circuit Judge for many years. Author of Green's Practice, a standard work in Michigan for a generation or more.

acted were to be carefully examined, collated, recast and arranged in their proper place. The work was not a small one, and as it was before the days of stenographers and typewriters in Michigan, and as the great mass of the work must be done under the eye of the commissioner, we may well admire the success of the Reviser.

The work is arranged under 33 titles and into 173 consecutive chapters, beside an appendix containing the Ordinance of 1787 and other documents relating to the history of the state.

The revision was reported to the legislature from time to time as completed, printed in bill form for the use of members, discussed and amended, and finally passed as a single act, and received the approval of Governor Alpheus Felch, on the 18th day of May, 1846.

The act is also signed by Isaac E. Crary, speaker of the House of Representatives, and Wm. L. Greenly, president of the Senate.

The act as a whole was to take effect on March 1, 1847, except so much as related to the election of county judges, which was given immediate effect, so that the judges might enter on their offices when the act took effect. The report of the commissioner was amended by the legislature in many particulars. The revision was carefully made, the arrangement orderly and logical, and it may be doubted whether the amendments made by the legislature were, upon the whole, an improvement upon the compilation of the commissioner.

As reported, the revision provided for the continuance of the Court of Chancery; but the legislature, abolished that court, and conferred its jurisdiction upon the Circuit Courts.

The change was supposed to be made in the interest of economy, but instead it loaded the calendars of the Circuit Courts with Chancery causes to an extent that

has compelled the multiplying of circuits, until now we have 38 instead of three, as at the time of the revision.

As reported, the revision provided for the continuance of the district courts in Wayne, Washtenaw, Jackson and Oakland counties, as they then existed. The legislature struck out this provision and inserted instead Chapter 92, providing for county courts. A county judge was to be chosen by the electors in each organized county, who should hold his office for a term of four years. He was to be in session on the first Monday of each month, and was to furnish cheap local justice to litigants. He was to be paid by fees, which were to be taxed with the costs in the case. The county court was a failure. It proved to be only a higher class of justice's court. Men of little or no legal standing were elected judges, and the courts soon fell into disrepute, and were dropped under the Constitution of 1850.

The revision of 1846 made valuable advance in regard to the competency of witnesses and the rules of evidence. All regulations which excluded witnesses from testifying on the ground of interest, opinion, religious belief or character, were repealed, much to the betterment of trials and the pursuit of justice.

The law relating to homicide was amended by abolishing capital punishment, which had been almost a dead letter for many years, and substituting imprisonment for life.

It is believed that under the latter law, conviction is much oftener secured, and punishment made more certain. And the number of homicides has not increased in proportion to other offences, but rather diminished. In 1849 the total number of commitments to the State prison was 30; life convicts, 1; per cent 3.3; 1860, 272;

life convicts, 2; per cent 0.7; 1862, 110; life convicts, 1; per cent 0.9.

The average percentage of life convicts in the first 11 years was 2.73; for the eleven years preceding 1870 it was but 1.28.*

This would seem to indicate that homicide was at that time decreasing in proportion to other crimes. It is probable that the abolition of capital punishment was induced by the feeling that too great a difference had existed in the punishment for murder in the *first* and *second* degrees. For the former the punishment prescribed was death by hanging; for the *second,* imprisonment, which might be for a limited term of years.

As reported, the revision continued the death penalty as it before existed. The legislature struck this out, and substituted solitary imprisonment for life.

The effect of the revision of 1846 was upon the whole good. The evils were soon discovered and remedied. It made the people and especially the officials of the state and of the counties and municipalities better acquainted with the body of the law, which before was dispersed through the "session laws" of eight years.

It was the last general revision that has been made, but compilations have repeatedly been provided for and made, and the body of the statutes has now become so great that three thick volumes are necessary to contain them and the absolutely necessary index thereto.

The twelfth legislature met at Detroit on January 4, 1847. It was the last to meet at the old capital, which had been the seat of government of the territory and state since 1805. The Constitution of 1835, Art. xii, Sec. 9, provided that "The seat of government for this state shall be at Detroit or at such other place or places

*6, Mich. Pioneer & Hist. Coll. 100.

as may be prescribed by law until the year eighteen hundred and forty-seven, when it shall be permanently located by the legislature." It seems to have been the understanding that by "permanently located" the Constitution intended it should be so located as not again to be changed, except by a new constitutional provision.

Accordingly the constitution of 1850, Art. ii, declares "The seat of government shall be at Lansing where it is now established;" and, considering its central location, and the present easy communication by railroad to all parts of the state, it seems improbable that any future constitution will change it.*

On the third day of the session, Jan. 6, 1847 a, bill was introduced in the house for the removal of the capital and referred to a select committee of which G. B. Throop, of Wayne, was chairman. The committee was unable to agree upon a report, but agreed to disagree and report a bill in *blank,* that is "The seat of government of this state shall be at ———— in the County of ————."

This report was made and filed on Feb. 3, 1847.

There were three distinct reports from the special committee. The first, by the chairman, referred especially to the four places which were most strenuously urged, Detroit, Ann Arbor, Jackson and Marshall, but stated that:

"If it be the purpose of the Legislature to establish the seat of government *for the state* and not for the town or county * * * that location must be sought for and found away from that line [the Michigan Central.] And from the four principal places named."

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*Interesting accounts of the location of the State Capital at Lansing will be found in the Michigan Pioneer and Historical Collections. Vol. I, 513, and Vol. XI, 237, and best of all that by Hon. Enos Goodrich, a member of the committee. VIII, Mich. Hist. Coll., p. 121.

* * * "They advise a course which looks to the true interests of the state and *the whole state,* now and hereafter."

That meant, of course, a place more central than any of those named above.

The second report, written by John D. Pierce, frankly favored Marshall, his home, then the location of the State Land Office. The third report was made by Enos Goodrich, then of Genesee County, and favored a location geographically central to the lower peninsula, without naming any point, and cites the example of Ohio, in locating its capital at Columbus.

The idea is conveyed by two of the papers in the Michigan Pioneer and Historical collections, that Lansing was proposed as a "good joke," because it was then in an unknown wilderness. But this does not seem probable in view of the fact that as early as January 18, James Seymour, a landed proprietor in the town of Lansing, had made a business proposition to the legislature to deed to the state a tract of 20 acres in what has since been North Lansing, and to erect there, at his own expense, substantial buildings, with rooms therein suitable for the sessions of the legislature and supreme court, and for the governor, state library and state officials, "which shall *be as large and the style of finish as good as the rooms now occupied;*" and as evidence of good faith he filed therewith a deed of the land duly executed, and a bond in the penal sum of $10,000 to secure the performance of his undertaking.

The proposition was referred to the Senate Committee on State affairs, which committee reported through its chairman, N. A. Balch, of Kalamazoo, that they found the deed and bond regular, and that:

"The proposition is that the buildings shall be as capacious and finished in a style as good as the buildings now occupied by the Legislature and state officers. Of course if so constructed, they

will satisfy the wants of the state as well and as long as the buildings now occupied."*

This does not look exactly like a "joke." On Feb. 13th the house passed the following act, "That the seat of government of this state shall be in the township of Lansing in the County of Ingham." It went to the Senate the same day, where desperate efforts were made by the friends of the more southern points to defeat it. But the friends of a northern and central location were well organized, and though efforts were made to divide them, and to amend the bill so as to compel its return to the house, it finally passed the senate without change, and on March 16th was approved by Governor Greenly. This was followed by a supplementary act, approved on the same day, "to provide for the removal of the seat of government of this state, and for other purposes."

This provided for three commissioners, "one of whom should be denominated "Acting Commissioner," who should, within one month from the time of their appointment select a suitable and eligible site in said township, containing not less than twenty acres, etc. They were not to be interested in any lands in the counties of Ingham, Eaton, Clinton or Ionia, and were required to take oath to that effect. When the site had been selected, the duties of all but the "Acting Commissioner" were to cease, and the "Acting Commissioner" was to "join in behalf of the state with the proprietor or proprietors of any adjoining lands in laying out and causing to be recorded a village plat to be designated as the *"town of Michigan,"* and for that purpose he might include "so much of any school section or other land belonging to the state as he might deem advisable."

The commissioners were duly appointed, and found

*Senate document, No. 15, 1847.

Section 16 of the township of Lansing most eligible as a site for the future capital.*

As soon as the bill had passed the house, the commissioner of the State Land Office, Abiel Silver, seeing that if it should pass the Senate, the school section in the township of Lansing would be greatly enhanced in value, withdrew that section from sale. It has been said that this was done by direction of Governor Greenly but Governor Felch in a communication published in the Lansing State Republican, Sept. 26, 1873, claims that honor for himself, and that the order was given before his resignation, which occurred before the bill became a law. There seems little doubt that this was the case.

The "town of Michigan" was platted on Section 16, and adjoining lands, and in the first eight years the Michigan primary school fund realized about $103,000 from that section, on which a large part of the City of Lansing stands. To-day it is worth millions of dollars.

By the 25th of December, 1847, the temporary buildings had been erected, and the capital was removed "bag and baggage" to this spot in the wilderness, on the banks of the Grand river.

It may be worth while as a matter of history to record some of the names proposed for the new capital. As it passed the house the name given it was "Aloda," which was amended in the Senate to "Michigan," by which name it finally was enacted into law. Other names proposed were Houghton, Harrison and Huron, each one of which had some excellent reasons back of it. "Michigan" it remained for somewhat less than a year,

*The Commission was appointed by Governor Greenly on March 22, and consisted of B. F. H. Witherell, of Wayne, James L. Glenn, of Cass, and Alonzo Ferris, of Genesee. Judge Witherell resigned and David Stewart was appointed in his place.

when it was changed to "Lansing," the name of the township in which it was situated. But while neither house was content with "Michigan" they were not of one mind as to what it should be. The Senate proposed "Okema." It was referred to a joint committee who agreed upon "Algoma." "Okema" or "Ogema" is the Ottawa word for "chief" or "head," and would have been a very suitable and euphoneous name for the head city of the state. But after trying many substitutes the Senate finally agreed to the choice of the house, and "Lansing" it is, and will remain. No account of the removal of the capital would be complete without some reference to James Seymour's celebrated "map of Michigan with the red lines," which he furnished with his proposal to deed a site at Lansing, free of cost to the state. On this the location of Lansing (North Lansing) was indicated, with red lines radiating to leading points, with the distances indicated. In his proposal he says:

"Its advantages are: Its central location for that part of the state which will be most densely populated; it being (measuring on the map) distant from the important towns in the eastern part of the state, as follows:

From Detroit, 87 miles.
From Monroe, 86 miles.
From Mount Clemens, 91 miles.

And in the opposite direction from the west part of the state:

From the mouth of Grand River, 89 miles.
From the mouth of Kalamazoo River, 86 miles.
From South Haven, 93 miles.
From St. Joseph's, 109 miles.
From the south line of the state, 72 miles.
To the north line of Midland county, 74 miles.*

In the Laws of 1847 the first mention of the electric telegraph, is to be found in the statute books of Michigan. Act No. 4, approved January 28, 1847, authorized "any person to construct lines of electric tele-

*Senate document No. 15, 1847.

graph in the State of Michigan" along any of the public roads and highways, and required the payment of an annual tax of twenty-five cents on every mile in length so occupied, and giving the state a lien upon all such lines for the taxes thereon.

By act No. 32, approved March 5, 1847, the benefits of this law were extended to associations or companies organized for the purpose of constructing and using any such telegraph lines.

By act approved March 16, "The Pioneer Smelting Company of the Upper Peninsula of Michigan," was incorporated "for smelting and manufacturing iron, copper and other metals" in the Upper Peninsula. This marked the completion of the first smelting furnace in that region. Among the incorporators were Mortimer Livingston, Samuel Ward, Fulton Cutting and Henry Ledyard.

Another sign of progress in the Upper Peninsula was the organization of the townships of Copper Harbor, Eagle Harbor, Houghton, Portage, Ontonagon, Pewabec, Marquette and Grand Island, all in the mineral region of the Lake Superior country. The township of St. Mary was organized to include the whole of Chippewa County. The Beaver Islands were organized into the township of Peaine.

The Chippewa Portage Company was incorporated to build a portage railway or plank road around the Sault de Ste. Marie. An act was passed to incorporate the St. Mary's Canal Company. No corporators are named, but the franchise is granted to "such persons as may hereafter become stockholders." All these acts disclose the rising importance of the Upper Peninsula; an importance destined to be increased many fold by the ship canal to be opened in a few years.

# CHAPTER XVIII

## King Strang and His Kingdom

IN the decade from 1846 to 1856 a series of events was occurring in Northern Michigan and in the waters between the two peninsulas,—but entirely within the jurisdiction of the state—so abnormal that they seem like a chapter that has escaped from the history of the 17th century, and by some mistake become mixed up with the nineteenth.

This was no other than the founding, the rise and the fall of the Mormon "kingdom" on the Beaver Islands, in the northern part of Lake Micihgan, about 35 miles west from the straits of Mackinaw and opposite to Emmett county.

The little archipelago known as the "Beaver group" consists of 12 islands; the largest of which is called the "Big Beaver," Garden Island comes next, and then High, Hog, Gull, Virgin, Trout, Rabbit, and several lesser ones.

The vicinity of these islands has long been one of the best fishing grounds upon the lakes; being one of the favorite homes of the Mackinaw trout, and in the season is visited by a numerous fleet of "Mackinaw" fishing boats.

Big Beaver is as large as all the rest of the group together, and is about 12 miles long, north and south, and about half as wide at the greatest width. It is divided into two townships—the township of Peaine, which occupies the northern and principal part of the island, and Galilee, which covers the southern portion. There are several small lakes on the island, the largest of which is about two miles in length by a mile in width, named by the Mormons the Lake of Galilee. The small stream connecting this lake with Lake Michigan, was called the Jordan, and this style of Bible nomenclature was applied throughout the island. A large sand "dune" near the harbor they called Mount Pisgah, and

the main road leading south from Saint James bay to Galilee was named "The King's Highway." At the north east angle of the island is a deep, curving bay, with sandy shores, known as Beaver bay or St. James bay, one of the best anchorages on the lakes. The west side of the island is lined with a range of low sand "dunes," and such streams as there are on the island flow to the eastward.

The island was originally covered with a beautiful growth of forest, which was to a large extent removed years ago for wooding steamers and for shipment to Chicago and Milwaukee. This beautiful island-group lies in the direct path of commerce, whether by steamboat or sailing vessel, between Lake Michigan and all the other great lakes.

Lake Galilee lies at an elevation of 26 feet above Lake Michigan, and is very deep. Big Beaver rises to a height of from 40 to 80 feet above the lake, and to one sailing past in the summer season it must have seemed, in its pristine condition, like an earthly paradise.

Until the year 1845 the island was nearly in a state of nature, the only inhabitants being a few fishermen who had built shanties around the harbor.

It was upon this beautiful and isolated island that, about the year 1846, James J. Strang decided to establish a colony of his Mormon followers.

It is not intended here to go into any account of this peculiar sect, who style themselves "The church of latter day saints of Jesus Christ"—or for short, "the saints," while those outside are termed the gentiles. All intelligent readers are assumed to know, at least in a general way, the character and peculiarities of the sect.

But a few words are in order regarding "King" Strang, the founder, prophet, priest and King of Beaver Island. James Jesse Strang was born March 21, 1813,

in the town of Scipio, Cayuga County, New York. He claimed to have been descended from Henry de l'Estrange, who came over with the Duke of York, and settled on Long Island. His mother was a James, of pure Yankee stock, from Rhode Island. He tells us that in his infancy he was considered scarcely *compos mentis*. Yet he seems to have had a very remarkable memory, and certainly in his mature years he developed into a man of great astuteness, a genuine leader of men,

While he was still a child his parents removed to Hanover, Chautauqua County, New York, where his life was spent until he reached manhood. His education was only such as was afforded by the public schools. While working on a farm he read such law books as he could get, was admitted to the bar, and commenced the practice of law at Ellington, where he was also appointed postmaster. Having married Miss Mary Perce, whose brother resided at Burlington, Wis., he removed to that place in 1843, where he again took up the practice of the law, having formed a partnership with C. P. Barnes.

In January 1844 he was converted to Mormonism, and in the following month he visited Nauvoo and was baptized by Joseph Smith, the "first apostle" of the Mormon church. A week afterward he had been ordained an elder, with authority to "plant a stake in Zion" in Wisconsin, and in accordance therewith he founded the City of Voree. Strang claimed to have been appointed by Smith, just before his death, as his successor as head of the Mormon church, and produced a letter to that effect. The twelve "apostles" fought for their ecclesiastical lives, and with such success that the next year Brigham Young, "the Lion of the Lord," led the large majority of the "Saints" away to Utah, but Strang, notwithstanding the combined efforts of the twelve, held the al-

legiance of a large number, who followed him to Voree city, in Walworth County, Wisconsin. Strang had a "revelation": "And there will I have a house built unto me of stone; and there will I show myself to my people by many mighty works; and the name of the city shall be called Voree, which is, being interpreted, 'Garden of Peace;' for there shall my people have peace and rest."*

In spite of all opposition of the twelve, the "City of Refuge" at Voree grew and prospered. Nauvoo the mighty had fallen, and unto Voree, the Garden of Peace, should the gathering of the tribes be. "Let the oppressed flee for safety to Voree," proclaimed Strang in his apostolic letter. Strang was prophet, priest and ruler there. In 1849 a great temple was planned and commenced, but the population round about was hostile to the new city and its sect. Wisconsin was then a frontier state just admitted to the Union, and the population was of the usual character of frontier communities, and made life burdensome to the "latter day saints," and Strang had the foresight to see that it was only a question of time when Voree would become a second Nauvoo.

Brigham Young, his bitter enemy and rival, had gone westward, so Strang must look in some other direction. According to his own account† he had, as early as 1846, at about the time Young started for Utah, decided upon the islands in the northern part of Lake Michigan, as the seat of his coming kingdom.

In May 1847 with four companions he set out to explore, and landed on Big Beaver island on May 11th, and proceeded to reconnoitre the island. They found it adapted to his purpose. It was almost uninhabited,

*"A Moses of the Mormons." Henry E. Legler, 32 Mich. P. & H. Coll. 185.

†"Ancient and Modern Michilimackinac" Strang, 1854, p. 22.

the land unoccupied. With two companions Strang returned to Voree to start the new movement, and during the winter of 1848 there were 17 men and 45 women and children attached to this new "Stake in Zion," and during the summer of 1849 they began to come in numbers. The Mormons now outnumbered all other inhabitants upon the island; and began to assume an independent, not to say an aggressive, attitude. Twelve elders were sent out to summon the scattered saints to the gathering.

The church was organized, a "tabernacle" begun, lands taken up, farms opened, mills erected, a printing press brought in, a schooner built for communication with the rest of the world, and roads opened to the south end of the island. But as the saints prospered the gentiles became alarmed and jealous. There were quarrels about lands. There were charges and countercharges about boats and fish-nets and other property.

The Saints drew their inspiration from the Old Testament and not from the new. They claimed to be and doubtless many of them believed themselves to be, the "peculiar people of the Lord." The outsiders were Amalakites whom it was lawful to despoil and to smite. The Saints were now supreme in the island. A few fishermen and others remained by sufferance, but on terms of hostility, and they were not slow to play the part of Amalakites. Secure in his remote island fastness Strang became more aggressive and self-assertive. He had a revelation on the "calling of a King," and on the 8th day of July, 1850, in the tabernacle at St. James he was crowned Prophet, Priest and King. "King Strang," as he was ever afterwards called, was not of imposing appearance. He was only about five feet four inches tall, rather slender, with red hair and beard. The ceremony was performed by one George A. Adams, presi-

dent of the council of elders, who had formerly been an actor in a Boston theatre. The 8th day of July was thereafter known as "King's day" as long as Strang lived.

But the bitterness against the Mormons was on the increase, not only on the islands but on the mainland and on far-away Mackinac, the county seat, and every sort of charge was brought against the "Saints." They were charged with interfering with the mails, with robbing the mails, with counterfeiting money, and almost every known crime. A price was put upon Strang's head and a general hunt was instituted for him, but without result. At last in May, 1851, the steamer Michigan, a United States naval vessel,* with a corps of marines, and the United States Marshall and District Attorney arrived at St. James for the purpose of making the arrest. King Strang and about 40 of his disciples went aboard the "Michigan," and after an examination the larger number were released, but Strang, with a few others, was taken to Detroit, where for 20 days his trial went on before Judge Wilkins in the United States District Court. Strang conducted his own defense with the aid of Andrew T. McReynolds, and was acquitted by an unfriendly jury in the face of intense local prejudice. Strang's plea to the jury is said to have been a fine specimen of impassioned oratory.

His trial and triumphant acquittal gave to the prosecution the seeming of a persecution, and Strang returned to his kingdom with a vastly increased prestige.

That fall (1851) the Saints easily carried the election

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*In 32 Mich. Pioneer and Historical Collections, 225, is an account of the arrest given by one of the U. S. officials. There is no law against any one believing it literally; but it seems to us of little historic value; and if true very little creditable to the U. S. Marshall or District Attorney.

in the county, (Mackinac) and elected the county officers. Now they had the court, the sheriff, the prosecutor and the taxing officers, and for a time they rode on the crest of the wave of power. In 1853, by skilful manipulation and political strategy Strang secured his election to the Michigan legislature and discharged his duties with so much intelligence, ability and modesty as to gain the commendation even of his enemies.

A leading Detroit journal said of him:

"Whatever may be said or thought of the peculiar sect of which he is the local head, throughout this session he has conducted himself with a degree of decorum and propriety which have been equalled by his industry, sagacity, good temper, apparent regard for the true interests of the people, and the obligations of his official oath."*

During the period from 1853 to 1855 "King" Strang was at the summit of his power. On the island his word was law. To use his own style of phrase, he "waxed fat and kicked." His industry was wonderful; his energy unlimited. He edited and published the "Northern Islander," he issued "revelations" as required; he wrote and published a book entitled "Ancient and Modern Michilimackinac;" he contributed a report on the "Natural history of Beaver Island" to the Smithsonian Institution, and finally he took to himself four wives in addition to his first and lawful wife, whom he had married before leaving New York State. There were only a few cases of polygamy on the island, for the very good reason that there was no excess of women to make it possible. Indeed, in some cases non-Mormon men took to themselves wives among the Saints, for the lack of gentile women.

*The Detroit Advertiser.

About this time the King became involved in a "war" with the settlers or squatters at the mouth of Pine river, nearly opposite, (now known as Charlevoix). Some of his Mormon adherents weary of his despotic rule had seceded and taken refuge among the fishermen at Pine river. Under pretext of summoning them to serve on grand jury, he sent a posse to bring them back to the island.

But the fishermen and their friends rallied and drove them off, and pursued them with guns in boats for several miles out on Lake Michigan, severely wounding a number of them, and probably would have exterminated them had they not been taken aboard the bark Morgan, Captain Stone. This, according to Captain Stone, was in the summer of 1852.* According to the nature of events it would seem to belong to a later year, and as the account was dictated long afterward, through his wife, it is not improbable. But the kingdom was hastening to its fall. With his increase of prestige and power King Strang had become autocratic. He ruled with an iron hand, and he fell at last, not at the hands of the gentiles, or the fishermen of Pine river, but by the revengeful hand of some of his own band whom he had caused to be unmercifully whipped for disobedience to his rule.

His decrees were the only law of the island; and some of them were not acceptable to all of his subjects. Among other things, he absolutely prohibited the use of intoxicants; forbade gambling and the use of tobacco.

But he made his fatal mistake when in 1855 he ordered all the women of his kingdom to wear "bloomers," that is, oriental trousers, just then advocated by a

*See Mich. Pioneer and Hist. Coll., Vol. xxxii, p. 214.

Mrs. Bloomer of New York. Most of them readily obeyed. But there were some who were "stiff necked" and disobedient. Among these were the wives of Thomas Bedford and Alexander Wentworth. They stubbornly refused, and their husbands upheld and supported them. Bedford had become involved in law suits with Strang, but the latter controlled the justice and Bedford was thrown out of court, and counter suits begun against him.

Strang and his satelites began a course of persecution against Bedford and his wife, until one night Bedford was enticed from his home and set upon by some of Strang's tools and most unmercifully whipped with heavy whips and withes. Bedford then and there determined to kill King Strang, and for several nights lay in wait for him, intending to shoot him on sight. Wentworth and Dr. McCulloch each had their own grievances against Strang, and entered into a conspiracy with Bedford to compass the death of the king, and the overthrow of the kingdom.

In the spring of 1856 McCulloch proceeded to Lansing and lay the situation on the island before Governor Bingham, through whose influence the steamer Michigan was sent to St. James.

It was about the middle of June, 1856, when she arrived in the harbor, and the captain sent word to King Strang to come aboard. At first he declined, fearing some treachery, but he was not in the habit of showing weakness or want of courage, and finally decided to respond to the captain's request. To reach the Michigan he had to pass for some distance between two high piles of cord-wood. Bedford and Wentworth were lying in wait, and as he was just about to step on the pier, they both fired simultaneously, and Strang fell mortally wounded. Strang recognized his assas-

sins, and when he caught one of them as they passed him, they clubbed him over the head with the butt of their heavy pistols, and ran on board the boat and gave themselves up. They were taken to the Island of Mackinac, where they were received with acclaim by the crowd which hated Strang and his "Saints," and were treated as heroes and patriots. They were never brought to trial.

King Strang summoned his elders to his bedside and gave them counsel and direction for the government of the kingdom, and then asked to be removed to Voree the "City of Refuge," the "Garden of Rest," which he had founded. There on the 9th day of July, 1856, James Jesse Strang, the king of Beaver Island, the prophet and priest of Michigan's latter day Saints, breathed out his life, tenderly cared for by his first and only lawful wife, Mary Perce Strang, who now came to his side.

Already the kingdom had fallen.

With the assassination of Strang the backbone of the Beaver Island movement was broken. At once, from far and near, from Pine river and Mackinac, and the Emmet shore and from the adjacent islands, there gathered a lawless and truculent mob, thirsting for blood and plunder. They raided the island with fire and violence, and drove the inhabitants with merciless cruelty —men, women, children, the old and the young, the grey-haired and the infant of three days—like sheep for the shambles on board the steamers "Keystone State" and "Iowa," with such scanty goods as they were able to carry, thence to be conveyed to and landed penniless and friendless on the dock at Chicago and other cities.

Almost exactly a half century has gone by since that July day—just after the "glorious Fourth"—when help-

less women and innocent children were driven into exile, and it still remains,—and we trust it may always remain —the most disgraceful day in Michigan history.

Even granting as true all that was charged against them, it can by no means justify, and scarcely palliate, such ruthless and diabolical savagery as was perpetrated by the mob upon men, women and children. The spoil was abundant, in houses and goods, farm implements and stock, and was divided among these righteous avengers.

For many years the present writer knew intimately one of those island exiles, a man of strict probity and untarnished honor, one of the gentlest and most peaceful of men, respected by his fellow citizens, who honored him many times with their votes,—for many years supervisor of his ward, and chairman of the board of supervisors of his county. He was doubtless one of the best. There is reasonable ground for believing that the Mormons of Beaver Island were not, as a rule, model or even desirable citizens. It seems pretty certain that they were able to return a very large number of votes for the number of men of voting age on the island. There is considerable evidence that they "consecrated" to the use of "the Lord's people" property which did not belong to them. It was charged, though we have never seen or heard of any competent evidence of the fact, that some of their "bad men" committed piracy by the capture of a fishing boat on Lake Michigan; it is undoubtedly true that one man was killed on the island while resisting arrest by two Mormon constables.

But if we may judge of the men by whom they were surrounded and who bring these railing accusations against them or by the lawless mob who on the 5th, 6th, 7th and 8th of July, 1856, laid waste Big Beaver Island, pillaging, burning, robbing, outraging men, women and

children, there would be little choice between Mormon Saints and Gentile sinners, and if there were any superiority it would hardly be on the side of the aforesaid sinners.

Little remains on Beaver Island to-day to suggest the dramatic and tragic episode of fifty years ago. But the names remain. The harbor is still "St. James' bay," the main road is still spoken of as "the King's Highway;" the placid lake lying parallel with the east shore is still referred to as "Gallilee," and the stream forming the outlet to Lake Michigan is still the "River Jordan."

Like a drama upon the theatrical stage, the curtain rose, the actors appeared, the play progressed from burlesque to comedy, from comedy to melo-drama, and ended in sudden tragedy—and the curtain fell.

One man, intense, forceful, masterful was the soul and the inspiration of it all. In him it began, with him it ended—"KING" JAMES JESSE STRANG.

# CHAPTER XIX

## Administration of Governor Ransom
## Railroad Conspiracy

THE election of November, 1847, resulted in a new deal in the state government.

Epaphroditus Ransom, of Kalamazoo, who had been chief justice of the supreme court of the state since 1843, was elected governor over James M. Edmunds, of Washtenaw, and William M. Fenton, of Genesee, was chosen lieutenant governor. Other state officers during Governor Ransom's term were Geo. W. Peck, secretary of state; Geo. B. Cooper, of Wayne, state treasurer; John J. Adam, of Lenawee, auditor general; George V. N. Lothrop, of Wayne, attorney general, and Ira Mayhew, superintendent of public instruction.

Governor Ransom was a native of Massachusetts, where he was born in 1796, but early removed with his parents to Vermont, where he was educated at Chester Academy. He studied law and was admitted to the bar in Windham County, Vt., where he began practice, and where he was twice elected a member of the Vermont legislature. He removed to Kalamazoo, Michigan, in 1834, and became the law partner of Charles E. Stuart, afterward United States Senator. He was appointed Associate Justice of the Supreme Court by Governor Mason in 1836, and in 1843 became chief justice, which office he continued to hold until elected governor.

During the entire period of his service on the supreme bench he was *ex-officio* Circuit Judge of the large western circuit of the state. After his retirement from the governorship he served one term in the legislature under the new constitution, and soon after the inauguration of President Buchanan, was appointed receiver of the U. S. land office at Fort Scott, Kansas, where he died

November 9, 1859.* Governor Ransom was a strong advocate of the construction of plank roads, and during the session of 1848 he signed not less than fifty acts to incorporate plank road companies. He was the first governor to be inaugurated in the new capitol in the town of Michigan—now Lansing.

In accordance with the act of 1847, the commissioners appointed for the purpose had "laid out" and platted the "town of Michigan" on the school section and adjacent lands in town 4 north of range 2 west, and on this plat, on a gentle elevation on the west side of Grand river, a substantial wooden frame building of simple and plain architecture had been erected, at a cost of about $22,500, for the accommodation of the legislature, the governor and the state library. This building served the state as a capitol until January, 1879. It was destroyed by fire December 16, 1882. In it many memorable scenes were enacted, and much momentous legislation. Around this old wooden building gathered the historic events of the great war period. . It was typical of the pioneer days. It was built in the wilderness, then almost inaccessible.

It was believed by many at the time that when the legislature came to meet there, they would find it so inconvenient and so out of the world they would promptly remove the capital to some point having more of the accessories of civilization, and more central to the existing population. But the commissioners had made a good beginning; they had driven their stakes deep, and anchored the capitol on a section of primary school land, and there it remains and will remain.

The thirteenth legislature of Michigan met in the new capitol on January 3rd, 1848, and adjourned on

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*11 Mich. Pioneer and Hist. Coll. 290.
*Lanmans "Red Book of Michigan" 477.

April 3rd following, having exceeded all previous records by passing 295 acts and 52 joint resolutions. Alexander W. Buel, of Wayne, was Speaker of the House.

The legislation of the session was marked by three striking features, indicating a new epoch in the history of the state. *First,* the increasing prominence of the Upper Peninsula, consequent on the discovery of its vast deposits of copper and iron. A score of mining companies were incorporated, and four new Upper Peninsula counties, previously "laid off," were fully organized, beside many new townships. The legislature adopted a lengthy Joint Resolution with numerous preambles calling the attention of congress to "an immense and apparently immeasurable amount of mineral wealth, inviting immediate purchase, occupancy and improvement," etc., and calling for congress to quiet the titles of the settlers on ancient French and British grants at the Sault de Ste. Marie.*

The *second* marked feature was the large number of appropriations made of "internal improvement lands" in comparatively small amounts, for the improvement and building of state roads. These grants were scattered far and wide into almost every organized county of the Lower Peninsula. The *third* feature noticeable was the very large number of Plank Road Companies incorporated. About half a hundred of these companies were granted franchises. Of these not less than six had "Michigan" as a terminus. There was the Ann Arbor and Michigan, the Dexter and Michigan, the Jackson and Michigan, the Battle Creek and Michigan, the Portland and Michigan, and the Michigan and Mason.

Among other acts of legislation of historical signifi-

*Laws 1848, 454.

cance, as bearing on the condition and progress of the state, were the following: An act to provide for the payment of the interest on the liquidated portion of the five million loan; an act for the completion of the capitol buildings in the town of Michigan, and to construct a bridge across Grand river, at the foot of Michigan avenue, and to open a road eastward, to connect with the Grand river road; and act to establish an asylum for the deaf, dumb and blind, also an asylum for the insane of the State of Michigan; eight sections of "salt lands" were appropriated for the purpose; an act to organize the County of Sanilac; also the counties of Marquette, Houghton, Schoolcraft and Ontonagon; one of the very last acts passed, and approved on the last day of the session (April 3, 1848), was an act to change the name of the capital town from "Michigan" to "Lansing;" $5,000 was appropriated for the expense of fitting out the first Michigan Volunteers for Mexico; 4,000 acres of "internal improvement lands" were appropriated for the benefit of "the Holland Colony," to be expended in building a wharf or pier at the mouth of Black river, and 8,000 acres to be expended in laying out and opening roads to connect with that colony; an act which became a part of the fixed and permanent policy of the state was that to exempt homesteads from forced sale; and a constitutional amendment was submitted to the succeeding legislature providing for the election by the people of the judges of the supreme court, auditor general, state treasurer, secretary of state, attorney general, superintendent of public instruction and prosecuting attorneys, all of whom were appointive or elected by the legislature under the first constitution; specific taxes on mining companies were made a lien on all the property of the company and given priority of all other liens. Of course, there was much other

important legislation, but those named were the characteristic features of Governor Ransom's first year.

The legislature of 1849 met at Lansing January 1, and adjourned April 2nd. Wm. M. Fenton of Genesee, continued president of the senate, and Leander Chapman, of Jackson, was speaker of the house of representatives.

The state officials continued the same as in 1848. Only a few men figured in this legislature who afterward became prominent in state and national affairs. Among them should be named N. G. Isabel, Livingston Co., (afterward secretary of state), Michael Shoemaker (prominent in civil war), John McKinney, of unsavory memory, (afterward state treasurer), David S. Walbridge, Kalamazoo (long member of congress), all in the senate; in the House were Geo. A. Coe of Branch, (lieutenant governor 1855-59), Oliver C. Comstock (former superintendent public instruction), Cyrus Lovell, Ionia, (afterward speaker of the house).

The session was occupied mostly with local and private legislation. Numerous extensions of the time for collection of taxes would indicate hard times and scarcity of currency; twenty new townships were organized, thirteen state roads opened or altered; thirty-three new plank road companies were incorporated, and ten additional mining companies in the Upper Peninsula. These statistics of legislation indicate that the state was expanding and filling up; that the demand for better roads was loud and imperative, and that what would be called in later days "a boom" was on in the Lake Superior country.

The State Normal School was established; the state agricultural society incorporated, the law to exempt certain household property from taxation was enacted; the state land office was removed from Marshall to Lan-

sing; the law relative to county courts revised and codified; a term of the supreme court was required to be held each year at Grand Rapids, and the resolution of the previous legislature relative to an amendment of the constitution, providing for the election of judges of the Supreme Court and state officers by the people, was approved and submitted to the people at the fall election of 1849 and adopted by vote of 38,117 to 728. But the most important resolution was one recommending to the people a general revision of the constitution, and submitting that question at the next general election.

There had been no popular agitation for a new constitution, but there seems to have grown up a widespread impression, reflected in the action of the legislature, that the old constitution had led to some costly mistakes in the matter of internal improvement, and, as indicated by the constitutional amendment submitted to be voted on by the people, that the time had come for entrusting to the people a larger discretion in the selection of state officials, both judicial and executive.

There was, moreover, a general feeling that the former constitution had been outgrown and that there were many things, both in extension and in limitation of the legislative power, which should be incorporated in the fundamental law.

The election resulted in favor of revision of the Constitution by a vote of 33,193 to 4,095, and by act of March 9, 1850, the legislature provided for the election of 100 delegates to a convention to meet at Lansing on the first Monday in June, 1850.

With the year 1849 closed the administration of Governor Ransom, and his public career in Michigan, with the exception that he was for a single term a member of the state legislature. As chief justice of the supreme court he had gained a high reputation as an

able, dignified and impartial jurist. But in his administration as governor there was nothing to raise it above the common place. He was a great advocate and promoter of plank roads, and it has been said that he lost the larger part of his private fortune in unprofitable ventures of that kind.

While the events narrated in the last chapter were transpiring on Big Beaver Island and the adjacent shores of Lake Michigan, another series of occurrences, of quite a different character, although somewhat analogus in respect to lawlessness, were taking place in the midst of the old-settled regions, along the Michigan Central Railroad, which in their entirety have usually been spoken of as "the great railroad conspiracy." This "conspiracy" culminated in the summer of 1852, in one of the greatest trials which has ever occurred in the State of Michigan, lasting from April to September. The trial was made especially famous by the participation of William H. Seward of New York, then United States senator, and soon to be secretary of state in the cabinet of President Lincoln, as one of the attorneys for the defense. The principal seat of the trouble was along the line from Grass Lake to Jackson, although the irritation and hostility to the road extended through Calhoun and Kalamazoo counties.

The "railroad war" began soon after the sale of the Central road by the state to the Michigan Central Railroad Company. While the state owned the road, only the old fashioned strap rail was in use, and the trains were run so slowly that any reasonably active cow or sheep could get out of the way, and accidents were comparatively few.

The state had appointed a board of auditors whose business it was to investigate, liquidate and settle all such damages, and as the money came from the state treasury

the settlements were usually fairly liberal and satisfactory, and little ill feeling was created along the line. But it was different when a private corporation assumed the management, and the damages came out of the dividends. When the old strap rail had been replaced with heavy "T" rail, and the road properly ballasted, the trains were run more rapidly, and more animals were killed, and such accidents became so common that the officials of the road charged that some farmers either drove their stock onto the right of way, or purposely permitted them to wander there, with the purpose of getting them killed, and collecting damages from the road, so that it became a heavy tax upon the finances of the company. Under these circumstances the president of the company, J. W. Brooks, issued a circular in 1849 which was distributed along the line of the road, announcing that the company thereafter would pay only *one-half* the appraised value of animals killed, upon the claim that the right of way was properly fenced. This produced greater excitement, and the aggressions which had been before limited to burning of woodpiles and derailing freight cars, now took more serious and dangerous forms of injuring the railroad; such a placing heavy obstructions on the track, attacking passenger trains and shooting at engineers and firemen.

The state of feeling along the road can be best judged from a contemporaneous letter printed in the "Marshall Expounder" of June 25, 1849, by no less a personage that John D. Pierce. Addressing President Brooks in an open letter he said:

"The road has been for a long time, one gore of blood. No heathen altar ever smoked more continually with the blood of its victims. Horses and oxen and cows and sheep and hogs—all free commoners by law—the road *not fenced*, and yet we are told that the owners are the trespassers. They (the company) force their way through our farms, leaving our fields and meadows and

pastures all open as commons, and yet we are the trespassers if our stock pass over the road of their high-mightinesses, and liable to them for damages, though the statute of the state expressly declares no such liability can exist where there is not a good and lawful fence. (See session laws 1854, page 181.) . . . I gave it as my opinion to Mr. Brooks more than two years ago, that the company would find themselves precipitated upon such a state of things as now exists, if they changed from the policy of the state in paying for damage done to that of non-payment. . . . The road must be fenced, in the meantime, something near the value of the property destroyed must be paid." And much more of like import.

Such a letter from such a man evidences what must have been the state of feeling along the line, among the people whose stock had been destroyed and who could only recover their damage at the end of a long costly and vexatious litigation.

In the early spring of the year 1854, the present writer spent some weeks along the line of the Michigan Central Railroad, making stops of a week or ten days at Grass Lake and Jackson, and visiting Leoni and Michigan Centre, and conversing with relatives, friends and neighbors of the men who had been arrested and incarcerated as "conspirators:" and can testify that Rev. Mr. Pierce only echoed the sentiments which even then—two years after—prevailed among the farmers dwelling in that region. But the method taken to retaliate was wholly lawless and unjustifiable, putting in jeopardy the lives and limbs of a multitude of absolutely innocent men, women and children. The object, of course, was to drive travel from the road to other lines of railroad or to the water route to the west: and it was rapidly having that effect. It became necessary for the officials to run a pilot engine or hand-car ahead of every passenger train that passed in the night along the road through the hostile region.

Matters went on in this very unsatisfactory way until

*Life of John D. Pierce (1905), p. 134.

the fall of 1850, when the officials of the road determined to ferret out the guilty parties and bring them to punishment. Lawyers and detectives were employed to go to the neighborhood in disguise, and under pretense of friendship get into the confidence and secrets of the "conspirators."

Best known among these were Davis Clark, a member of the legislature from Calhoun county, and John Van Arman, then recently returned from the Mexican war, and at that time little known outside Calhoun county; a man of great nerve and shrewdness. They soon turned up the fact that two men at Michigan Centre were the head and front of the "war party," Abel F. Fitch and Amos Filley. Fitch was one of the most popular men in that part of Jackson county, a well-to-do citizen, against whom the only charge was some shady transactions in connection with "wild cat banking," in the early days of the county. His home was within a stone's throw of the railroad track. Just across the street was the low country tavern of Amos Filley, the rendezvous of the discontented and the lawless. It was there that the conspiracy was hatched. The other members of the band were mostly farmers who had suffered loss of their stock or had other grievances, and young men from the farms, who were eager to punish a "soulless monopoly," as champions of an injured community.

The warfare culminated when on the night of Nov. 18, 1851, the large brick freight depot of the Michigan Central in Detroit was burned—evidently the work of an incendiary. It was soon discovered—or claimed to be discovered—through the detectives or spies as they were called, and chiefly through Van Arman, that the perpetrator was one Gay, a saloon keeper of Detroit, and that the fire was set by an "infernal machine," or

"slow match," manufactured at Michigan Centre. Among the spies who pretended to have joined the "conspirators" was one Westcott, of Jackson, a former bartender and prison guard. As a proof of his loyalty the "conspirators" demanded that he should go to Niles and burn the depot there; which he did, but took good care to have men at hand to extinguish the fire. In all the detective work the most daring and effective part was taken by John Van Arman, who afterward became a celebrated criminal lawyer in Chicago. By April, 1852, the railroad officials were ready for action, and dispatched the sheriff of Wayne county and deputies with warrants for about forty of the "conspirators," with sixty picked employes of the railroad company, sworn as assistants to the sheriff, and at about midnight the force arrived at Michigan Centre. All was quiet. The surprise was complete. Fitch and Filley were first arrested, and then thirty-six others from the surrounding farms were brought in, and by morning the whole *posse comitatus* was back in Detroit, and the prisoners in the Wayne county jail. While this was doing at Michigan Centre, Gay was arrested in Detroit.

The trial which began in April was not ended until September. It was the most remarkable and memorable in the history of the state. Judge Warner Wing presided, and among the lawyers for the state, and employed by the railroad company to assist, were David Stuart, prosecuting attorney, John Van Arman, James A. Van Dyke, Jacob M. Howard and A. D. Frazer. For the defense were Wm. A. Howard, Wells & Cook, and, as before stated Senator William H. Seward of New York.

Before the trial came to an end Fitch the principal defendant, and Gay the one charged with burning the Detroit depot, both died in jail, which further

embittered the feelings of their friends and neighbors. Several of the prisoners were convicted of conspiracy and sent to prison for a term of years, but were all pardoned before the expiration of their sentences. The trial had the effect of breaking up the conspiracy and putting an end to the unlawful and aggressive war on the railroad company; but it did not change the bitter feeling of the people along the line of the road; but that was brought about by a change of policy and treatment on the part of the railroad company.

In later years a good understanding and friendly feeling has existed between the Michigan Central Railroad company and the dwellers along its line.*

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*For many of the facts in regard to the railroad conspiracy the writer is indebted to a paper by John Gilbert, Ypsilanti, prepared in 1892 and printed in the 31 Mich. P. & Hist. Coll. 232.

# CHAPTER XX

## The Upper Peninsula

IN the preceding chapters incidental mention has been made of the rise and progress of the Upper Peninsula,—of its annexation to Michigan by the act of congress to establish the Northern Boundary of the State of Ohio; of its fur trade and fisheries; of the extinction of the Indian title by several treaties from 1835 to 1842; of its organization into counties and the establishment of townships, and of the incorporation by the legislature of many mining companies, and finally of the building and opening of the St. Mary's Falls ship canal, 1853-1855. But little or nothing has been said of the discovery and exploration of the mineral wealth which gave rise to its sudden and wonderful development. To that we now purpose to direct attention.

As has been said elsewhere, the general idea in regard to the Upper Peninsula, at the time it was annexed to Michigan in 1836, was that it was mostly a rocky, barren region, too far north for successful agriculture, and of little value except for its fisheries and fur trade; and so isolated by the Sault de Ste. Marie, as to be of comparatively small value for even those products.

The existence of copper on the south shore of Lake Superior had been known to the Jesuit missionaries from a very early day. As early as 1721 F. X. de Charlevoix reported that "Large pieces of copper are found in some places," on the shore of that lake. In 1771 through the influence of reports of one Jonathan Carver, a company was organized in England to explore for and mine copper in the Lake Superior region.

This company sent out an expedition in the last named year, which penetrated to and made their headquarters at the Sault de Ste. Marie, which had long been

a French settlement and was then a British post. Having first explored the north shore of Lake Superior to some extent, "they returned and coasted westward (along the south shore) but found no valuable mineral until they reached the Ontonagon," where they discovered several detached masses of copper. Here on the banks of the Ontonagon they sunk a shaft or pit, and found numerous masses or boulders of copper imbedded in the drift, but found no copper bearing rock in place. In the spring of 1772 their pit caved in and the enterprise was abandoned. In fact it was for silver that the company was looking and not copper. This enterprise seems to have been conducted without any scientific knowledge of either geology or mineralogy, and no amount of perseverance would have brought success, in the manner in which it was prosecuted.

By the treaty of peace of 1783 the Upper Peninsula became American territory; and as early as April, 1800, congress passed a resolution for the appointment of an agent "who shall be instructed to collect all material information relative to the copper mines on the south side of Lake Superior," etc.* If such an agent was appointed, he is not known to have reported the result of his investigation, but the action shows that even at that early day the attention of the government had been attracted to the existence of copper in that region.

In 1819 when Governor Cass applied to Secretary Calhoun for authority to make his famous expedition to the headwaters of the Mississippi, he named, among other reasons, the investigation of the *mineral resources* of the Upper Country. Henry R. Schoolcraft was the topographer and mineralogist of the expedition, and collected many facts and traditions in regard to the

*Mineral Regions of Lake Superior, Jacob Houghton (1846), p. 18.

existence of copper. But as the Indians were the chief object of the expedition, his actual examinations were necessarily superficial. In 1831 Schoolcraft together with Dr. Douglass Houghton, passed through the country, but in a hasty and cursory manner, as their main object lay beyond. But Dr. Houghton who was a trained geologist, did not fail to note the general geological features of the country, and to form some opinions as to the formation, in which the copper deposit would be found, which observations and deductions were of value to him when afterward he was appointed State Geologist, and required to make a geological survey. But it was not until 1840 that he carried his official investigations into the Upper Peninsula, and in his report of 1841 he gave to the world its first real knowledge of the source and extent of the copper of the Lake Superior region.

In that report Dr. Houghton said:

"The earliest as well as all other travellers who have visited the district of country under consideration have not failed to make frequent allusion to the loose masses of native copper that have been occasionally found scattered over it; nor has any one failed to allude to the large bowlder or loose mass of that metal upon the Ontonagon river. But after all, the true sources from which these masses had their origin, or the relation which they hold to the rocks of the district would appear never to have been understood."

Referring to his examinations during his previous trips across the peninsula, he says:

"While these examinations were sufficient to enable me to draw the inference that the masses of native copper came chiefly if not wholly from the trap, and more rarely from those sedimentary rocks resting immediately upon it, it was supposed that this occurrence would follow the general law and that it, together with the other ores of the metal would occur in the greatest abundance near the line of junction of this rock with the overlaying sedimentary rocks."

This theory proved to be correct, and by applying it and following it out, he was enabled to locate the main deposits of copper, extending through the Kewenaw

peninsula, and under the waters of Lake Superior in a nearly due northerly direction.*

In 1844 Dr. Houghton advocated the plan of uniting the state geological survey of the Upper Peninsula with the lineal survey of the lands by the general government, and entered into a contract with the land department to conduct such a survey over a considerable tract; and at once entered upon the execution of the survey. Wm. A. Burt, the inventor of the solar compass, was associated with Dr. Houghton as deputy surveyor, and Jacob Houghton was a member of the party. While prosecuting this survey, on September 19, 1844, when running the line between ranges 26 and 27, south of Teal lake, the party was astonished to notice the remarkable variations of the magnetic needle, and, seeking the cause, they then first discovered the immense deposits of iron ore, near the site of the present city of Negaunee, in the County of Marquette.

Thus both the copper and iron deposits were located through the efforts of Dr. Houghton. He continued his surveys in the mineral regions until the autumn of 1845, when, on Oct. 13, while returning with his field notes, plats and specimens, he lost his life by the swamping of his boat in a storm on Lake Superior. With him was lost much valuable material for his report, but through the efforts of the administrators, of his estate, Henry N. Walker and Samuel T. Douglass of Detroit, reports were made from such notes and memoranda as had been preserved, by Wm. A. Burt and Bela Hubbard, who were Dr. Houghton's assistants. These reports as well as the report of Dr. Houghton of 1841, locating the copper veins, are reprinted in a little handbook issued July, 1846, by Jacob Houghton, which

*Report of State Geologist, 1841.

Yours truly

Bela Hubbard

gives very full information of the state of affairs in regard to the mineral discoveries at the date of its issue. Mr. Houghton gives a list of one hundred and four mining companies which had been organized and made locations up to July 17, 1846. He also gives a list of over 900 "locations" and leases made prior to the last named date.

These mining companies were organized not only in every considerable town and village in Michigan, but in the New England states, New York, Pennsylvania, Ohio and other states. There was scarcely a name then prominent in Michigan affairs that may not be found among the organizers and trustees of these mining companies. An illustration or two will suffice. "The Douglass Houghton Company" (Detroit). President Elon Farnsworth, Detroit; Secretary and Treasurer Henry Ledyard; Detroit; directors, Henry N. Walker, Charles G. Hammond and John R. Grout, all of Detroit. This company has 31 "locations." Another Detroit company was the "Porcupine Mountain Company." The trustees were B. F. H. Witherell, Samuel G. Watson, Israel Coe, Thomas Palmer, O. M. Hyde, Alpheus S. Williams, Mason Palmer, Henry Stanley and A. W. Hyde, all of Detroit.

The first company to locate an iron mine was the Jackson Company of Jackson, Mich., organized in the early spring of 1845; they located at the Cliff south of Teal lake, in Marquette county, and built the first forge or furnace for reducing iron ore ever erected in the Upper Peninsula. It was built on Carp river, three miles east of Negaunee, in 1847.*

The location was made by Philo M. Everett of Jackson, in July, 1845. He was guided to this location by

*See paper by Peter White, 8 Mich. P. & Hist. Coll. 147.

Louis Nolan, a French Canadian, of Sault de Ste. Marie, who had seen it many years before.

Mr. Everett says of it

> On arriving at Teal Lake we found the ore just as he had discribed it. There lay the boulders on the trail, and a perpendicular bluff, fifty feet in height, of pure solid ore, looking like rock, but not rock." . . . "By measurement the outcrop was found to be three quarters of a mile southwest of the southeast corner of Teal Lake. The other outcrop, two miles farther on was a beautiful sight. On the north side of the hill it was a perpendicular bluff of about fifty feet, of pure iron ore and jasper in alternate streaks. Another outcrop appeared a mile further on, for several years known as the "little location." (Now known as the Lake Superior mine").*

In 1843 three permits to locate copper mines were issued by the secretary of war, and the same year Walter Cunningham was appointed special agent for the government, and in June landed at Copper Harbor, where he established his agency; there it remained until 1846. In 1844 The Lake Superior Company employed Mr. Christopher C. Douglass, former assistant to Dr. Houghton, to explore their locations, and to make new ones. The same season, Dr. Chas. T. Jackson of Boston, was employed by the same company to examine and report upon their Lake Superior locations, and the reports made by these and other investigators were such that the "copper fever" at once set in, and by 1846 it was fairly raging all over the country. Says Jacob Houghton: "Thousands visited the country and companies were daily organized, and the results of the Grand Rush are yet to be realized. It is hoped that they may all ultimately be successful, but it is feared that the visionary hopes of some will meet with a glooming disappointment."* Many companies were organized in Boston, New York City, and Cleveland, Ohio.

*Paper by Philo M. Everett, 11 P. & Hist. Coll., p. 165.

*Mineral Region of Lake Superior (1846), p. 27.

One Boston company had for trustees Rufus Choate, Robert Rantoul, Jr., and Caleb Cushing.* The "Medora Company" of New York, had for trustees August Belmont, Samuel Ward and Fulton Cutting.§

But the great obstacle to profitable mining was the lack of transportation, and the necessity of transhipment and portage at the falls of St. Mary. This made the mining of copper, with the then small demand, unprofitable, and was absolutely prohibitory of successful iron mining in the Lake Superior country. But the interest of a great number of eastern capitalists in the iron and copper mines soon accomplished what the repeated memorials of the legislature of Michigan had wholly failed to bring about; and in 1852 the appropriation of 750,000 acres of public lands was made for the building of the ship canal.

In 1846 the entire fleet on Lake Superior consisted of the steamboat Palmer, 280 tons, propeller Independence, 280 tons, and the schooner Napoleon, 180 tons, and half a dozen small craft of from 40 to 70 tons each.¶

The first railroad built in all the vast region, known as the Upper Peninsula, was the mining road from Marquette to the Jackson mine, known as the "Marquette and Iron Mountain Railroad." It was commenced in 1852, operated at first by horse power, and was not fully completed and equipped until 1857.

As stated elsewhere, the ship canal was completed in the spring of 1855, and at once a New Era opened for the Upper Peninsula. Capital and labor poured into that region, and villages and mining camps sprang up on every side. The three original iron mines were the

*The St. Croix Company.
§Mineral Region of Lake Superior (1846), p. 167.
¶Mineral Region of Lake Superior (1846), p. 34.

Jackson, the Cleveland and the Lake Superior. The entire ore shipments from these three original mines for the year 1858, were but 25,067 tons, while by 1884 they had risen to nearly nine millions of tons of ore, and about 1,100,000 tons of manufactured iron.* It is not possible in this volume to follow out the wonderful development of this part of the state since the opening of the New Era. Its growth has been almost fabulous. But simply as some indication it may be stated that in 1904 the fifteen counties now constituting the Upper Peninsula, formed the 12th Congressional District of Michigan, with a population of 275,525, according to the state census of that year, and 261,362 according to the United States census of 1900; and in 1904 cast 45,641 votes for member of congress. The same year there were in the Upper Peninsula (including Mackinac Island), sixteen incorporated cities, having a population of 111,361. The largest of these were Ishpeming, 11,623; Sault Ste. Marie, 11,442; Menominee, 11,096; Escanaba, 11,098; Marquette, 10,665, and Ironwood, 10,019.§

With the exception of Sault de Ste. Marie and Marquette these scarcely had a name at the time the canal was opened.¶

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*Peter White, 8 Mich. P. & Hist. Coll. 159.

§Michigan Manual, 1905, p. 290, et seq.

¶For interesting accounts of the settlement and development of the Upper Peninsula see papers by Col. John H. Forster. Mich. P. & H. Coll. 7, 181; 8, 136; 11, 175; also paper by Peter White, 8 P. & H. Coll. 147, and of Philo M. Everett, 11 P. & H. Coll. p. 165.

# CHAPTER XXI

## The Convention of 1850 and the New Constitution.

ON the sixth day of November, 1849, the people of the State of Michigan, by a vote of 38,117 to 728, ratified the amendment to the Constitution submitted to them by the legislature, providing for the election by the people of judges of the Supreme Court and State officers, and at the same time, by vote of 33,193 to 4,095, decided in favor of a Convention to make a general revision of the Constitution. The legislature by Act No. 78, March 9, 1850, made provision for the election of delegates, and the assembling of the Convention at Lansing, June 3rd, next ensuing. Accordingly on that day the second Constitutional Convention met at the Capitol in Lansing, and organized by the election of Daniel Goodwin, of Wayne, as president, and John Swegles, Jr., Horace F. Roberts and Charles Hascall, as secretaries.

The Convention consisted of one hundred delegates, apportioned to the several counties by the act calling the convention. Among the better known members of the convention were Chief Justice Charles W. Whipple, Robert McClelland, Dewitt C. Leach, I. E. Crary (Ex. M. C.), John D. Pierce, and Hezekiah G. Wells (Kalamazoo); Judges Jabez G. Sutherland, of Saginaw; B. F. H. Witherell, Wayne, and E. M. Skinner, of Washtenaw. Other men of state reputation were Cyrus Lovell, of Ionia; Thomas B. Church, of Kent; Wilbur F. Storey, of Jackson, and James M. Edmunds, of Washtenaw. As a rule the counties had sent men of ability and high character.

On June 4, a committee of which Mr. McClelland was the chairman was appointed, to report a mode of proceeding. On the fifth the committee reported in favor of dividing the subjects to be embraced in the Constitution under 23 heads, each of which

should be referred to a separate committee, varying in number from five to eleven, including a committee of 11 on "Arrangement and Phraseology" of the Constitution. The report was adopted with the addition of a 24th committee on the government of the Upper Peninsula, and on June 7th the committees were appointed, and the work of the Convention was entered upon.

As resolutions were presented by members of the Convention or petitions or memorials received from the people of the state, they were referred to the proper committee, and by the 13th day of August all committees had reported on their respective subjects, and their reports, after consideration by the Convention, had been referred to the Committee on "Arrangement and Phraseology." On August 13th and 14th the several articles of the Constitution were reported to the Convention by the Committee on Arrangement and Phraseology, and after some few verbal amendments adopted, article by article, and referred to a select Committee on Enrollment.

The new Constitution consisted of twenty articles, instead of the thirteen of the old one,—and a schedule of 29 sections. It was much more elaborate in detail than the Constitution of 1835, and occupies considerably more than twice the space. Much of the legislation enacted under the first Constitution, especially in regard to State debts, education, exemption, homesteads, rights of married women, etc., was incorporated into the fundamental law. It exhibits the apparent paradox that while the rights of the people in the matter of elections of state officers and judges of all grades are much enlarged, the powers of the legislature are very strictly circumscribed and limited.

A few of the more important changes made by the Constitution of 1850 may be summarized as follows:

The BILL OF RIGHTS, as such, disappears from the new Constitution, but most of its provisions are found scattered through several articles as limitations upon the departments of the government, but principally upon the legislative branch.

Article I.—The BOUNDARY of the state is almost entirely different, for the first time adopting and ratifying the boundary in the Act of Congress of June 15, 1836, providing for the conditional admission of the state. The assent of the "frost bitten Convention" of Dec. 1836, was never regarded by the majority of the people as binding and conclusive. But now the Upper Peninsula was formally adopted into the state, and the southern boundary made to conform to the Indiana and Ohio lines.

Article II.—The SEAT OF GOVERNMENT was permanently fixed at Lansing.

Article IV.—LEGISLATIVE DEPARTMENT. The Senate is fixed definitely at 32 members elected for single terms of two years; and the House at not less than 64 nor more than 100 members to be elected in single districts.

The legislature is to be elected once in two years instead of annually, beginning in Nov. 1852, the term to begin Jan. 1, 1853, and each second year thereafter.

The article on the LEGISLATIVE DEPARTMENT is, to a large extent, one of the negations and prohibitions. Very important were the provisions in regard to the subject matter, the entitling and taking effect of laws, intended to remedy a very serious evil in embracing more than one object in the same act, not at all indicated in its title, and given immediate effect by a majority vote. Now it could only take effect after ninety days from the *end* of *the session,* unless ordered otherwise by two-thirds of all the members elected to

each house. An equally great reform was made in the matter of *amendments* to statutes, requiring the re-enactment of the entire section as amended. In like manner the assent of two-thirds of the members elected to each house was made requisite to appropriating public money for local or private purposes.

In Article V.—EXECUTIVE DEPARTMENT, the first thing that strikes one, is that no person is eligible to the office of governor or lieutenant governor who has not attained *the age of* 30 *years*. Section 16 provides that no person elected governor or lieutenant governor shall be eligible to any office or appointment from the legislature, during the terms for which they were elected, Twice—once in 1841 and again in 1845,—the governor had been chosen by the legislature a United States Senator, devolving the governorship upon the lieutenant governor. On the first of these occasions it had been done by something very like a conspiracy, leaving much bad feeling behind.

Article VI.—The JUDICIAL DEPARTMENT was greatly changed. The County Court was abolished. The old Supreme Court was superceded by eight Circuit Judges, with Supreme Court powers, which was to continue for six years, when the legislature might provide for the organization of a new Supreme Court to consist of a Chief Justice and three associate justices, to be chosen by the electors of the state. This was coming back to the Constitutional Amendment adopted Nov., 1849, and carried into effect by the legislature of 1850. Many of the sections of the old Bill of Rights were incorporated in the Judicial Article.

In ARTICLE VIII. provision is made for the election of all state officers by the electors at each general biennial election. The secretary of state, state treasurer and commissioner of land office are constituted a board

of state auditors; also state canvassers. This was in effect converting statute law into fundamental law.

ARTICLE IX. on SALARIES, was new. It consisted of a single section. Most of the salaries of state officers were fixed at $1,000. But the secretary of state, attorney general and commissioner of the land office were allowed only $800, and forbidden to receive fees or perquisites. This article has been repeatedly amended, and has been the occasion of much trouble and some scandal.

ARTICLES X AND XI., on counties and townships were new, and made up mostly from existing statute law.

The article on EDUCATION was very much changed. Free schools were ordained, after five years from the adoption of the Constitution, and a school was required to be kept in every district in the state at least three months in every year.

Regents of the University were made elective. One from each Judicial Circuit, to be chosen at the time of the election of Judge in that Circuit. The Regents were required at their first meeting to elect a president of the University. The Board of Education provided for in the State Normal School Act was made a Constitutional body. Institutions for the deaf, dumb and blind and insane were required to be fostered. These, again, were statutory provisions adopted into the Constitution.

Under the article on FINANCE AND TAXATION were many important restrictions, embodying the lessons of experience in regard to contracting debts, limiting payments from the treasury to actual legislative appropriations; granting the credit of the state in aid of any person, association or corporation; the issue of scrip, or other evidence of state indebtedness; prohibiting taking stock in any company or corporation or being inter-

ested in any work of internal improvement, or carrying on any such work. These restrictions embodied in Sections 3 to 10 of ARTICLE XIV. are the scars left on the body politic, by the rough handling the state received in the wild days of free banking and unlimited internal improvements.

In ARTICLE XV. are more of the same kind of scars. All corporations (except municipal) are to be formed under general laws. No general banking law should have effect until submitted to and approved by a majority of the electors of the state; individual liability of officers and stockholders of banking corporations required. The legislature is forbidden to pass any law authorizing suspension of specie payments.

ARTICLE XVI on Exemptions is mostly incorporated from existing statute laws.

Section 15, ARTICLE XVIII also has a backward look. "No general revision of the laws shall hereafter be made." Two general revisions had been tried and found unsatisfactory; so all future legislatures are tied up and prohibited from again attempting it.

ARTICLE XIX on the Upper Peninsula is wholly new, as there was no "Upper Peninsula" when the first Constitution was framed.

ARTICLE XX provided for amendment and revision of the Constitution. It required that in the year 1866 and in each *sixteenth* year thereafter, and at such other times as the legislature should by law provide, the question of a general revision of the Constitution should be submitted to the electors of the state.

Under this provision the question of revision was submitted in 1866, and decided affirmatively. The Convention met May 15, 1867, and after a session of more than three months submitted a revised Constitution which was voted upon April 6, 1868, and rejected

by a vote of 71,733 yeas to 110,582 nays. In April 1906, the question was again submitted and voted in the affirmative.

In the year 1873 a "Constitutional *Commission*" consisting of two members from each of the nine Congressional districts, appointed by the governor, sat at Lansing from August 27th to Oct. 16, and drafted a revised Constitution, which was submitted to the people Nov. 4, 1874, and rejected by a vote of 39,285 yeas and 124,034 nays. By resolution attached to the schedule to the Constitution of 1850 a proposal to grant equal suffrage to colored persons was submitted with the Constitution, and in the proceedings of the Convention is designated as Section 30 of the schedule. It was defeated.

Under the provision for submitting amendments of the Constitution (ART. 20, SEC. 1), seventy-one distinct propositions for amendments have been submitted to the people in thirty different elections since 1850, of which 38 have *been adopted and* 33 rejected.

On August 15, 1850, the Constitution was reported to the Convention in its entirety by the Committee on Enrollment, and on motion of Robert McClelland, it was adopted by yeas 69, nays 11. Three members, Chas. P. Bush, of Ingham; Norman McLeod, of Mackinac, and Elijah J. Roberts, of Chippewa, filed a solemn protest against the adoption of the proposed Constitution. The essential part of the protest was included in the third section.

"Third.—That distrust in the intelligence of the people, stamped upon every article of the Constitution is in their opinion a stigma upon their character, not justified by the history of the state."*

*Convention Journal, 561.

The Constitution was submitted to popular vote of the electors on November 5, 1850, and adopted by a majority of 26,736 votes.

With the patchwork since added, it is now (1906) still the fundamental law of the state.*

The Constitution is by no means a model. It indicates clearly that the Convention had very great confidence in itself and very little confidence in the legislatures, which were to be elected by the people in succeeding years. Its immense detail in minor matters and the incorporation of much statutory law has proved a hindrance rather than a help to the state. Its provisions in regard to salaries of state officers and judges have been a nuisance and a scandal. That it has been unsatisfactory is evidenced by the great number of amendments proposed and adopted. The ease and frequency with which amendments have been made has reconciled the people to enduring its imperfections, rather than to adopt a new one which, perhaps, they did not understand. The natural conservatism of the common people clings to the old, the tried and the accustomed, and hesitates to launch out upon the untried and the unknown. But it would seem that the time must be near at hand when the enlightened people of the state would demand a more modern and up-to-date organic law.§

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*In April, 1906, the question was again submitted and voted in the affirmative. It will devolve on the Legislature of 1907 to call the new Constitutional Convention.

§This chapter is condensed from the Convention Journal of the Convention of 1850,—except that part relating to amendments and revisions which is compiled from the Michigan Manual, 1905.

# CHAPTER XXII

## Governor Barry's and McClelland's Administrations.

HAVING seen the framing and adoption of a new Constitution for the state, as the result of the submission of that question to the people by the legislature of 1849, we will now go back and trace the course of events and review the government of the state from 1849 to the close of the "old regime," which was brought about by the great political revolution of 1854, which in turn grew out of the agitation of the extension of slavery into the territories, and the repeal of the Missouri Compromise of 1820, excluding slavery from all territory north of 36 degrees and 30 minutes of north latitude. The constitutional and institutional development of the state had now received such complete form that the greater part of the remaining chapters of this volume must be devoted to events of a political character. The revolution of 1854 brought a change in the dominant political force of the state, and proved momentous in the subsequent material, industrial and commercial development of Michigan.

The election of 1849 resulted in the choice of John S. Barry of St. Joseph County, for governor for the third term, the only instance in the history of Michigan. His whig opponent was Flavius J. Littlejohn, of Allegan, who was also supported by the Free Soil or "Liberty" party. Barry's majority was 4,297. Wm. M. Fenton, of Genesee was re-elected lieutenant governor, and the state executive administration was made up of the following named officials: secretary of state, C. H. Taylor; state treasurer, Bernard C. Whittemore; auditor general, John Swegles; attorney general, William Hale; superintendent of public instruction, Francis W. Shearman.

John S. Barry, the last governor, elected under the

old constitution entered on his third term on the 7th of January, 1850, and the fifteenth legislature of Michigan assembled on the same day. The chief event of Governor Barry's last term was the framing and adoption of the new Constitution. The Senate consisted of 22 members from seven districts, and the House was made up of 65 Representatives, with Silas G. Harris, of Ottawa County, Speaker.

Mining companies and Plank Road companies were still the prime favorites for legislation. Of the former, eighteen new companies were incorporated, and the charters of five before granted were amended. Of Plank Roads 50 new companies were incorporated and the charters of fourteen amended. The counties of Midland, Montcalm and Tuscola were organized; the three counties of Antrim, Omeena and Leelanaw were organized into the township of Omeena, in the county of Michilimackinac. Eighteen new townships were organized, and a dozen reattached or otherwise changed. Grand Rapids was incorporated as the third city in the state. Detroit and Monroe having been the only cities hitherto. Battle Creek was incorporated as a village. All laws relating to the State Normal School and the Board of Education were consolidated and codified.

A statute was passed to carry into effect the Constitutional Amendment of 1849, relative to the election of judges and state officials by the people; also an act to provide for the election of delegates and the holding of the Constitutional Convention; the northern and southern Michigan telegraph companies were incorporated, and by joint resolution Congress was requested to make a grant to the state of 350,000 acres of land for the purpose of establishing and maintaining agricultural schools; also 30,000 acres for asylums, and strong reso-

lutions were adopted in favor of the immediate admission of the State of California into the Union, under the Constitution which the people of that state had formed for themselves in the autumn of 1849, and instructing Michigan's senators and requesting her representatives "to use all proper means to procure the admission of California."

The year 1851 witnessed two short sessions of the legislature under the old Constitution. The first session began Feb. 5 and adjourned April 5. The second session commenced June 9 and closed June 28. The sixteenth legislature consisted of 22 senators and 68 representatives; new members taking their seats from Montcalm and Tuscola counties. Politically the legislature consisted of 16 democrats and 6 whigs in the senate, and 40 democrats and 28 whigs in the House. The preponderance of the administration party was on the decline and soon to disappear.

The regular session passed a number of bills to adapt the statutes to the new Constitution. Among these were an act (No. 93) to provide for the organization of the Supreme Court, and to regulate the holding of its sessions. It directed that the January term be held at Detroit, the May term at Kalamazoo, the July term at Adrian, the October term at Pontiac, and at least one term each year at Lansing, the Capital. An act to provide for the regulation and government of the State University; also an act to define the limits, jurisdiction and powers of Circuit Courts. Acts were also passed to organize the counties of Oceana and Grand Traverse, and to complete the organization of Marquette, and to attach Schoolcraft for judicial purposes; to provide for general elections in the Upper Peninsula on the last Tuesday in September (so that returns could reach the capital before winter set in). As indicating industrial

progress acts were passed to authorize the formation of telegraph companies; to authorize the incorporation of bridge companies; to provide for the completion of the canal and locks around the rapids of Grand river; to authorize the formation of corporations for mining smelting or manufacturing iron, copper or silver ores; an act to authorize the formation of companies to construct plank roads, and an act to amend the act to incorporate the St. Mary's Falls Ship Canal Company.

One of the most important acts of the session was that to define the power and duties of boards of supervisors, by which many of the powers and duties before exercised by the legislature itself were imposed upon the county boards. Among the powers so conferred were those of locating public buildings for the county, to borrow money for the erection of such buildings; to authorize any township of the county to borrow or raise by tax money to build or repair roads or bridges, not exceeding $1,000 in any one year, and by a vote of two-thirds to erect and organize new townships and to permit or prohibit the construction or maintenance of any dam or bridge over or across any navigable stream. Thus the legislature was beginning to relieve itself of much special legislation by substituting general laws for special acts.

Other acts worthy of note were those to amend the law relative to divorce, making the granting of divorce by a court of another state, ground of divorce for the other marital party in this state; authorizing certain improvements on the school section in the village of Lansing (this act authorized the expenditure of $3,000 "in felling and clearing off the timber" on the section on which the capitol stood). The law relative to the duties of superintendent of public instruction was amended so that he was required

to report not only on the University and its branches, but also on the State Normal School, and "all incorporated literary institutions," and "all such matters relating to his office and the subject of education generally, as he shall deem expedient to communicate." The *city* of Ann Arbor was incorporated, being the fourth in the state.

At this time the general government was engaged in endeavoring to secure the removal of the remnant of the Indian tribes from the state to locations on the Mississippi and beyond. Among others pressure was being brought to bear upon the Ottawa's and Chippewa's of Northern Michigan, and thereupon the legislature adopted the following joint resolution:

*Whereas,* The Ottawa and Chippewa Indians residing amongst us are a civil, well disposed, peaceable and orderly people, and have during the past few years made great advancement in agricultural and mechanic arts, and a large portion of them ardently desire to remain in Michigan, to become civilized and share with us in our social, political and religious privileges, therefore, *Resolved,* That we do hereby request the government of the United States to make such arrangement for such Indians as they may desire for their permanent location in the northern part of this state under such circumstances as will best promote their present and future welfare." . . .

The governor is requested to forward a copy to the president and commissioner of Indian affairs, and to senators and representatives. Not only in this, but in subsequent resolutions, and in many other evidences that have come down to us, it is evident that the people of Michigan were not desirous of the entire removal of the Aborigines from the state.

Other resolutions of this session related to the payment of annuities due the Ottawa and Chippewa Indians of the Lake Superior country; to the refunding of money expended by the Territory in the boundary contest; and to the construction of a ship canal around the falls of the St. Mary's river.

The *Special Session* of 1851 was made necessary by the results of the United States Census of 1850, and the constitutional requirement of redistricting the state. Among the acts passed was one redistricting the state into four congressional districts,—a gain of one;—to apportion representatives among the several counties, and the act to divide the state into 32 senatorial districts.

The County of Wayne constituted three senatorial districts, while the counties of Lapeer, Saginaw, Tuscola, Midland, Gladwin, Arenac, Roscommon, Ogemaw, Iosco, Algoma, Oscoda, Crawford, Otsego, Montmorency, Alpena, Presque Isle, Wyandot, Charlevoix, Emmet and Cheboygan constituted the 29th district.

One of the very first acts of the special sessions (June 23) was the act to provide for the payment of the accruing indebtedness of the state, and for raising by taxation on the taxable property of the state the sum of $106,000 in the year 1851 and $110,000 in the year 1852, for expenses of the state government and the interest on the state debt. The annual report of the state treasurer Dec. 1, 1850, had shown a cash balance in the treasury of $36,057.85, and the similar report Dec. 31, 1852, showed a cash balance of $116,555.21, something never before known in the history of the state, except as the product of loans. This fact alone showed that the state was passing out of the shadow of debt and disaster into the light of prosperity and financial competency.

Another act with the same aspect was that for the redemption of internal improvement bonds, which required the auditor general to give notice by publication for the presentation of the liquidated certificates, stocks and bonds for payment in their proper order.

The County of Newaygo was organized, and the act

of Congress granting to the state all "swamp and overflowed lands" (Sept. 28, 1850,) was accepted according to the conditions, and the notes of survey on file in the office of the surveyor general adopted as the basis of said grant. Sale of said lands was authorized at the price of seventy-five cents per acre, and the receipts constituted a fund in the hands of the state for the reclamation of said lands.

This was the last legislative session of Governor Barry's administration, and practically closed his public life. He was the candidate of his party for Congress in 1856, but was defeated. He died at his old home at Constantine in January, 1870. He is remembered as one who served the state well in her darkest hour.

The Constitution, in Sec. 5 of the schedule, provided for the election of a governor and lieutenant governor under the former constitution and laws. This election was held November, 1851, for the short term until Jan. 1853, and resulted in the election of Robert McClelland as governor* and Calvin Britain of Berrien County, as lieutenant governor. Of Governor McClelland we will have occasion to speak more hereafter. Mr. Britain had been a member of the last *Territorial Council,* 1834-1835; a member of the state senate 1836-7-8; a

*Robert McClelland was one of the men whose character and career brought lasting honor to Michigan.

He was born at Greencastle, Pa., Aug. 1, 1807, received a college education; came to Michigan in 1833, settling at Monroe to practice law. He was a member of the first Constitutional Convention. Governor Mason tendered him the office of attorney general, which he declined. He served three terms as a member of the Legislature, the last term as Speaker of the House of Representatives. The same year (1843) he took his seat in the National House of Representatives, and was twice reelected, serving from 1843 to 1849. He was the most conspicuous member of the Constitutional Convention of 1850; was elected Governor in 1851, and reelected in 1852, serving until he resigned, March 1853, to take his place as Secretary of the Interior in the Cabinet of Franklin Pierce, in which he served until March 1857. He died at Detroit, 1880.

member of the Constitutional Convention of 1850, and Speaker *pro tem* of the House in 1851. His short term as president of the senate closed his public service to the state.

The first election *under the Constitution of* 1850 was held Nov. 1852, and Governor McClelland was re-elected, with Andrew Parsons of Shiawasse County as lieutenant governor.

The first legislature under the new Constitution met on January 5, 1853, and adjourned Feb. 14, one of the shortest on record. It was also the first of the biennial sessions. The sessions had heretofore been annual. The three most important acts of this session were the act accepting the donation of 750,000 acres of public lands for the construction of the St. Mary's Ship Canal, and providing for the construction of said canal, the act to prohibit the manufacture of intoxicating beverages and the traffic therein (afterward held to be unconstitutional by the Supreme Court), and the "act to provide for the assessing of property at its true cash value" being a general revision of the entire law regarding the assessing and collection of taxes. Acts were passed for the organization of Emmet and Cheboygan counties; to complete the organization of Grand Traverse County; to legalize the election of 1852 in Marquette and Ontonagon counties, and to attach Emmet and Cheboygan counties to the third Judicial Circuit (Wayne). The *city* of Adrian was incorporated, being the fifth city. Provision was made for taking the census of 1854, and $30,000 out of sales of swamp lands was appropriated for the support of the newly opened State Normal School, and small appropriations were made for Asylums for the deaf and dumb and for the insane.

Resolutions were passed in favor of a free Home-

stead law, granting 160 acres of the public lands to actual settlers,—the first of the kind in Michigan,—and very elaborate preambles and resolutions were again adopted in favor of allowing the Chippewa Indians of Lake Superior to remain on their lands near L'Anse, in the Upper Peninsula. This session closed the legislation of the seventeenth legislature of Michigan, and of "the old regime" under the auspices of the democratic party.

The state was just emerging from the embarrassments resulting from the great scheme of internal improvements, the five million loan, and the consequent "part paid bonds." Settlements were becoming more dense; communications more practicable; two railroad lines stretched entirely across the state, and a third was pushing slowly westward; farms were increasing in value; villages were growing into cities; educational facilities were multiplying and improving; the taxable property had increased to such an extent that the taxes were bringing in not only sufficient to meet the current expenses, but accumulating a surplus for the payment of the interest and principal of the state debt incurred in the early years; the credit of the state was consequently improving in the financial centres; the state institutions were rapidly developing; the University was securely established; the State Normal School had been opened; free primary schools had been decreed by the new Constitution; life in the young state had become comparatively easy,—in a word the hard pioneering period had passed and a new era of material, social and political life was at hand.

But just at this moment, when everything foretokened a more prosperous and happy epoch the political sceptre was about to pass from the hands that had held it almost from the very first, into new hands, or at least into

hands in a new political alliance, and this change was to come not from local and temporary causes, but from a great national agitation of a question that went to the very foundation of national life and constitutional free government, and finally resulting in a terrible civil war, which in the results radically modified the nature of our National Union .

# CHAPTER XXIII

## A Period of Political Change.

UPON the inauguration of Franklin Pierce as president, March 4, 1853, he tendered the portfolio of Secretary of the Interior to Governor McClelland, who on March 7th resigned his office of governor, and took his place in the cabinet until the inauguration of James Buchanan, March 1857, and throughout nearly the entire current term the governorship devolved upon Andrew Parsons, the lieutenant governor. It was a period marked by political agitation and change, rather than by any special developments in state affairs. These agitations and changes we will now attempt to trace.

Attention has already been called to the resolutions of the legislature in regard to the admission to the Union of the State of California. There was a strong bond of sympathy between Michigan and California in this matter, as the latter state had followed the example of Michigan in framing a state constitution and electing senators without an enabling act first obtained from Congress. It was around the question of the admission of California with a Constitution prohibiting slavery that the battle raged in Congress between the friends and the opponents of slavery, which gave rise to serious threats of dissolution of the Union by the South, and ultimately led to the famous "compromise measures" of 1850.

It was the general belief throughout the North that the war with Mexico had been brought upon the country by the Polk administration with the purpose and expectation of increasing the extent and power of the institution of slavery; this feeling was common, to a great extent, to both Whigs and Democrats. When in August, 1846, President Polk by special message to

Congress asked for a sum of money to be placed at his disposal, to be used at his discretion in the adjustment of the terms of peace, a bill was promptly introduced by the chairman of the Ways and Means Committee, appropriating the sum of $2,000,000 to be used by the President as he desired.

This led to a conference of a number of Anti-Slavery Northern Democrats. Among them Hannibal Hamlin, of Maine; Preston King, of New York; David Wilmot, of Pennsylvania, and Robert McClelland, of Michigan. At that conference a draft was prepared, to be offered as a *proviso* to the appropriation bill. It afterward became famous as the *"Wilmot Proviso,"* and was in the words following:

"That as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty that may be negotiated between them, and to the use by the Executive of the Moneys herein appropriated,

Neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime whereof the party shall first be duly convicted."

This *proviso* was borrowed from the famous compact of the Ordinance of 1787,—which had been from the first a part of the fundamental law of Michigan and of the entire Northwest Territory. This *"proviso"* was by the conference placed in the hands of David Wilmot, then a young man of 33, serving his first term as a representative from the State of Pennsylvania, and was by him presented as an amendment to the appropriation bill, thereby making his name famous for all time, in the great struggle between freedom and slavery. The *proviso* passed the House by a vote of 80 to 64, but was talked to death in the Senate by a Northern Senator. At the next session the *proviso* was stricken out, and the appropriation passed without it.

Michigan democracy was firmly committed to the principle of the *proviso,* and among its staunchest supporters was Congressman McClelland. With this explanation of the situation, the bearing of the following Joint Resolution, adopted by the legislature of Michigan, January 13, 1849, will be more readily perceived.

*Resolved by the Senate and House of Representatives of the State of Michigan.* That we consider the result of the late war with Mexico in the acquisition of the territories of New Mexico and California as an enduring monument to the honor of our gallant army—regulars and volunteers—officers and soldiers, and that we rejoice in the prospect of extending over that country the beneficent laws and institutions of a free people.

*Resolved,* That we are in favor of the fundamental principles of the Ordinance of 1787;—and though we respect the opinions of many eminent statesmen and jurists that slavery is a mere local institution, which cannot exist without positive laws authorizing its existence,—yet we believe that Congress has the power and that it is their duty to prohibit by legislative enactment the introduction or existence of slavery within any of the territories of the United States, now or hereafter acquired.*

Then followed the usual resolution of instructions to Senators and request to Representatives of the state "to use all honorable means" to accomplish the objects expressed in the resolution.

On the last day of the same session (April 2) the legislature passed another joint resolution denouncing the slave trade in the District of Columbia as "an evil of serious magnitude which greatly impairs the prosperity and happiness of the district, and casts the reproach of inconsistency upon the free institutions established among us," and demanding its abolition with the usual resolution of instructions to Senators and Representatives.

Only a few days after the passage of the resolution of January 13. Gen. Lewis Cass was re-elected to fill

*Laws of 1849, p. 362.

out his own original term, he having resigned on his nomination to the presidency, May 29, 1848. He resumed his seat March 5, 1849, and the senatorial delegation was again Cass and Felch. This was the situation when the thirty-first Congress met December 3, 1849.

Affairs were hurrying to a crisis in a most unexpected way. During the later months of 1848 and the year 1849 there was a tremendous rush of emigration from all over the north to the newly discovered gold-fields of California. They found no government there, except some slight pretext of a military provisional government. The new settlers of California were mostly from the North, and in large part from what may be called the "town meeting states," where they had been reared in the practice of self-government.

Spontaneously they demanded government.

Spontaneously they assembled in their mining camps and on their ranches and elected delegates to a Constitutional Convention, which framed a Constitution, Oct. 1849, and convened a legislature which chose United States Senators and evolved a state; and the commonwealth of California started out of chaos on that grand career, which has been the wonder and admiration of the nation and the world. Colonel John C. Fremont and William M. Gwin were chosen senators, and, with their credentials, speedily followed the Constitution of the new state to Washington. There had been nothing in the conditions in California to invite the settlement of slave holders, or the employment of slave labor. The Convention had *unanimously* adopted a prohibition of slavery, similar to that in the Ordinance of 1787, and this Constitution had been ratified with almost equal unanimity by the people of the state.

Congress was in the vortex of a moral and political

maelstrom. The North was clamoring for the principle of the *Wilmot Proviso,* and for the admission of California with her free Constitution. The South was clamoring, equally, for a fugitive slave law, and for freedom for taking slavery into the territories acquired or to be acquired by the United States.

On Dec. 27, 1849, Senator Foote of Mississippi offered in the Senate a resolution to the effect that it was the duty of Congress to establish suitable *territorial* governments for *California,* Utah and New Mexico—our recent acquisitions from Mexico. On January 21 and 22, 1850, Senator Cass spoke at great length on this resolution. He showed clearly that he was in opposition to the Wilmot proviso and to the resolutions of the Michigan legislature of January 13, 1849, and felt that if the legislature persisted in its instructions he must resign. He expounded his doctrine of popular sovereignty—or as it was called by his opponents, "Squatter Sovereignty." In conclusion he said:

"My sentiments upon the *Wilmot Proviso* are now before the Senate, and will soon be before my constitutents and the country. I am precluded from voting in conformity with them. I have been instructed by the Legislature of Michigan to vote in favor of this measure. I am a believer in the right of instruction, when fairly exercised and under proper circumstances. . . . When the time comes and I am required to vote upon this measure as a practical one, in a bill providing for a territorial government, I shall know how to reconcile my duty to the Legislature with my duty to myself, by surrendering a trust I can no longer fulfill."*

General Cass was the political idol of the democracy of Michigan. In a very real sense they regarded him as their "father." He was often called the "Father of the Northwest." They were very deeply attached to him, personally and politically. He was now already

*Congressional Globe, Vol. 22, pt. 1, Appendix, p. 74. McLaughlin Life of Cass, 270.

in his 68th year. This speech, circulated among all his political friends, produced a deep impression, and on the 2nd day of April, 1850, the legislature met the situation with the following joint resolution:

*Whereas,* The people of this state are opposed to the extension of slavery, but believe that a crisis in our national affairs has arrived which demands an expression of their deep, devoted and unalterable attachment to the Union, and their fixed determination in a spirit of mutual forbearance to guard against the dangers at present, in the opinion of many, threatening its integrity;

*And, whereas,* They believe that our Senators in Congress ought to be left free to act as their judgments may dictate on all questions that may arise in any way affecting the stability and permanency of the Federal Compact; therefore,

*Be is Resolved, etc.,* That in the opinion of this Legislature the people of this State *most heartily approve* the noble and patriotic stand taken in the Senate of the United States by those distinguished statesmen who, representing the various sections and different feelings of our common country, have united their efforts to preserve the Union *"one and indivisible."*

*And be it further Resolved,* That in the opinion of this Legislature, it is the duty of our Senators in Congress, and they are hereby requested *to retain their places in our National Councils,* which they have heretofore filled with such signal prudence and distinguished ability, and they are hereby left free to aid by voice and vote in any and every movement which their judgment may decide to be best calculated to promote the interests and glory of the whole nation, and the tranquility, integrity and permanency of the Union."*

It is doubtful if the entire history of American politics presents a finer example of what Lowell, in the "Bigelow papers," calls "facing South by North" than this. But the days of such shilly-shallying and compromising were nearly numbered. The result of all this agitation, in and out of Congress, was the passage of the "compromise measures of 1850."

These measures embraced the admission of California with her free State Constitution;† the organization of the territories of Utah and New Mexico without the

*Laws of 1850, p. 463.

†The Senators of California were admitted to their seats Sept. 10, 1850.

*Wilmot Proviso;* the enactment of Fugitive Slave law, by which the whole North was converted into ground for a slave hunt; the settlement of the boundary between Texas and New Mexico; an indemnity of $10,000,000 to Texas for the loss of territory to which she laid claim, and the abolition of the slave trade in the District of Columbia.

The only substantial gain to the North in this "compromise" was the admission of California, which was felt to be a simple act of justice and right, based on every fundamental principle of our institutions; but the Fugitive Slave law was regarded at the North as an outrage upon every freeman in the Nation, and excited a storm of indignation, such as has never been witnessed, except when Fort Sumter was fired on in 1861. Attempts to enforce the law were met by forcible opposition; and in Boston, in the Anthony Burns case, the Court sat under the protection of United States regulars and marines.

Millard Fillmore, of New York, had succeeded to the presidency, on the death of President Taylor, July 9, 1850, and proved more complaisant to the slave power than had his slave-holding predecessor, General Taylor. Wherever attempts were made to reclaim fugitive slaves in the North, the attempt was met by both passive and active opposition. The sentiment in Michigan was well nigh unanimous among all parties, except, perhaps, a few followers of General Cass, who still hoped for his elevation to the presidency.

Michigan had witnessed a fugitive slave rescue at Marshall in 1847, when the agent of a Kentucky slaveholder, one Frances Troutman, was prevented by a crowd of blacks and whites from arresting and returning to slavery Adam Crosswhite, who had escaped with his family from Carroll County, Kentucky, and

settled down at Marshall. In the summer of 1847 a large number of the persons present were sued by *capias* for the value of the slaves. Chief among the defendants were Charles T. Gorham (afterward minister to the Hague, and assistant secretary of the interior). Oliver C. Comstock and Jarvis Hurd, all well known citizens, and financially responsible. . The first trial came off at Detroit in June, 1847, and resulted in a disagreement. The case was tried again in November before Judge McLean of the Supreme Court, and resulted in a verdict for the plaintiff. The case attracted national attention because of its bearing on the candidacy of General Cass for the presidency at that time. The friends of Cass were very anxious to have it appear that the law for the reclamation of fugitives could be and had been enforced at his home. Mr. Gorham was then an active and prominent democrat, and during the trial he was approached by close personal and political friends of General Cass and assured that if he would permit judgment to pass against him, his political friends would see to it that all costs and damages against him would be paid, without any expense on his part. This proposal Mr. Gorham indignantly rejected; but when the judgment was entered, it was paid and discharged without the intervention of Mr. Gorham.*

The case was a famous one and attracted wide attention throughout the country. The leading counsel for the plaintiff was John Norvell, the first democratic Senator from the state, and among the array of counsel for the defense were H. H. Emmons (afterward U. S. Circuit Judge), and James F. Joy (afterward president of the Michigan Central Railroad.) The long trial, the prominence of the defendants and of the counsel,

*Personal statement of Hon. Chas. T. Gorham to the writer.

gave much celebrity to the Crosswhite case, and tended to solidify public opinion in Michigan against the compromise measures.

In 1850 the appearance of "Uncle Tom's Cabin," by Mrs. Harriet Beecher Stowe, added fresh impetus to the Anti-Slavery agitation, and tended to wean many thousands from their allegiance to the two old parties—the Whig and the Democratic—both of which endorsed the Fugitive Slave law in their national platforms of 1852.

The "Free Soil party" met in convention at Pittsburg, August 11, 1852, and put in nomination John P. Hale, Senator from New Hampshire, and George W. Julian of Indiana, upon a platform declaring

> "That no permanent settlement of the slavery question can be looked for except in the practical recognition of the truth that slavery is Sectional and freedom National,"—and further that "to the importunate demands of the Slave Power for more slave states, more slave territory and the naturalization of slavery, our distinct our final answer is no more slave states, no slave territory, no nationalized slavery, and no national legislation for the extradition of slaves."

So the issue was made up. There was no longer standing ground in either of the old parties for the "Wilmot Proviso men," the "Free Soil Democrats," or the "Conscience Whigs," and yet, out of party loyalty and long custom most of them voted with their party in this election for the last time. It was manifest that the South did not have full trust in the devotion of the Whig party to its special interests. That party was too deeply infected with the Anti-Slavery virus, and the South turned to the Democratic party and leaders as its true champions and exponents.

The dissatisfied "Free Soil" Democrats of New York State had, in the election of 1848, called a national convention of those who favored the principle of the

Wilmot Proviso, which convention met at Buffalo Aug. 9 and nominated Martin Van Buren and Charles Francis Adams for president and vice-president on a platform of "Free Soil, Free Speech, Free Labor and Free Men," and under it they declared "we will fight on and fight forever until a triumphant victory shall reward our exertions." This organization took the name of the Free Soil party, and by the pro-slavery element they were termed "Barnburners," because they compared them to a man who should burn down his barn to get rid of certain vermin. In the ensuing election Van Buren polled 10,393 votes in Michigan, and this ultimately became the nucleus of the Republican party.

In the national campaign of 1852, the Democratic Convention met at Baltimore, June 1, and resolved in favor of the faithful execution of the Fugitive Slave law, "which"—they said—"cannot with fidelity (to the Constitution) be repealed nor so changed as to impair its efficiency." On this platform they nominated Franklin Pierce of New Hampshire and William R. King, of Alabama.

The Whigs held their national convention in Baltimore two weeks later, and not to be outdone in bidding for the pro-slavery vote they resolved:

> "The series of acts of the Thirty Second Congress, the act known as the Fugitive Slave law included, are received and acquiesced in by the Whig party of the United States, as a settlement in principle, and substance of the dangerous and exciting questions which they embrace, and so far as they are concerned we will maintain them, and insist upon their strict enforcement," etc.

Upon this platform they nominated Winfield Scott, of New Jersey, and Wm. A. Graham, of North Carolina.

The result in Michigan was for Pierce, 41,842; for Scott, 33,971; for Hale, 7,237, the latter being con-

siderably less than the vote Van Buren had polled in 1848. In the electoral college-at-large Pierce had 254 electoral votes, while Scott had only 42, and Hale none. The triumph of the Democratic party—that is of the South—was complete and overwhelming.

The march of events was irresistible. The Whig party by its leaders at the Baltimore Convention had bowed to the god Mammon, and had been spurned from the shrine. Kentucky and Tennessee were the only Southern States giving their electoral vote to Scott and Graham, and the whole tendency of events was toward the evolution of a pro-slavery party in the South and an Anti-Slavery party in the North.

The election of 1852 was marked by the first appearance in state politics of Zachariah Chandler, as the Whig candidate for governor, a man destined to succeed General Cass in the Senate, and to be for many years the leader of Michigan politics under the new regime, as General Cass had been under the old. Mr. Chandler made his appearance in local politics as a successful candidate for Mayor of Detroit in 1851. He was born in Bedford, N. H., Dec. 10, 1813, received a common school education, and came to Michigan in 1833, and in the autumn of that year engaged in mercantile business in Detroit, with his brother-in-law, Franklin Moore, as partner, under the firm name of Moore and Chandler. In this business he continued, under various names until long after his election to the Senate, and until he had by his energy and business ability accumulated an independent fortune.*

In the election of 1852 the "Free Soil" candidate for governor was Isaac P. Christiancy, who polled 5,850 votes; but as McClelland had a clear majority over both

*Life of Zachariah Chandler, 1880, Chap. 3.

his competitors, it did not affect the result. Chandler, though defeated, led the Whig national ticket, by more than 800 votes, and the remainder of the state ticket by from 500 to 4,000 votes.*

The term of Alpheus Felch as Senator was expiring March 3, 1853, and Mr. Chandler received the unanimous support of the Whig members of the legislature for his successor, but the Democrats having a large majority the choice went to Charles E. Stuart, of Kalamazoo.

Charles E. Stuart had represented the Kalamazoo district in the 30th Congress, was renominated to the 31st, but was defeated in the election by William Sprague, who was the Whig and Free Soil candidate; but Stuart was re-elected to the 32nd Congress. On the expiration of that term he took his seat in the Senate, the last of Democratic Senators for half a century.

On March 7, 1853, Lieutenant Governor Andrew Parsons† became governor, and discharged the duties of the office until January 3, 1855.

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*Life of Zachariah Chandler, 1880, p. 87.

†Governor Parsons was born in Renssalaer County, New York, in 1817, removed to Michigan in 1835, expecting to engage in teaching in Ann Arbor; removed to Corunna, Shiawasse County, was County Clerk two years and Register eight years, Prosecuting Attorney for a term; was elected State Senator in 1846; was a member of the Senate at the time of the removal of the capital to Lansing; he was one of the first elective Regents of the University, 1852-'54, and elected Lieutenant Governor 1852; was elected Representative from Shiawasse County at the election of 1854, and served at the session of 1855, but died soon after the close of that Legislature. As acting Governor he was the last of the old regime.

# CHAPTER XXIV.

## A New Party Take Control in Michigan.

THE compromise measures of 1850 over which Congress struggled so long and so strenuously were designed to take the slavery agitation "out of politics." It has been one of the favorite sophistries and fatuities of compromisers everywhere that smothering a great question of fundamental right and wrong will "take it out of politics." It is a policy that has been tried and has failed since the days of Pontius Pilate.

The national platforms of the Whig and Democratic parties of 1852 had declared the compromise measures a "finality." How little these compromises seem to have remembered history or understood human nature! Nothing is final that is not right and just. There is a power in the Universe, not ourselves, above ourselves, that makes for righteousness—for justice. The stars in their courses—the very laws of nature—fight against oppression and tyranny.

The Fugitive Slave law instead of settling anything unsettled everything. All law, human and divine, all nature human and superhuman branded it as abhorrent and monstrous. It was a compromise that cut roughly and exasperatingly across every impulse of the human soul.

It sealed the doom of the compromise. It was the crown of thorns pressed and crushed down upon the head of outraged human nature, and the whole North rose up in fiery resentment. A mass meeting at Springfield,, Mass., commenting upon the escape of a hunted slave declared the hope that

"law or no law, Constitution or no Constitution, Union or no Union, the hospitality of Massachusetts will never be violated by the deliverance of any fugitive from oppression to his tyrant again."

And this declaration only reflected the feeling of a majority of the people of the North.

But it is not pleasant to remember that all through this tremendous struggle the influence of the Michigan delegation in the 33rd Congress was in favor of concession and compromise. Senator Cass, released by the resolutions of the legislature from all instructions was incessant and unwearied in apologies for the compromise, including the Fugitive Slave law, and in advocacy of "Squatter Sovereignty" in the territories. Chas. E. Stuart had taken his seat in the Senate and the Michigan delegation in the House consisted of Samuel Clark, David A. Noble, Hestor L. Stevens and David Stuart—names not familiar to the present generation, as they were each and all serving their last term in Congress as representatives of Michigan.

The election of 1852 had given the democratic party not only an overwhelming majority in the Electoral College, but also a very large preponderance in both the Senate and the House of Representatives. The Supreme Court, moreover, was nearly or quite solidly democratic. Thus that party had a free hand to frame and carry out its chosen policy. The outcome of the great debate between the two schools of democrats had been the evolution of the doctrine of "popular sovereignty" by which it was hoped to remove the discussion of the question of slavery in the territories from the halls of Congress to the territories themselves.

The friends of General Cass claimed for him the authorship of this doctrine. He was instant in season and out of season in the Senate in expounding and advocating it as the cure-all of our sectional ills.

The party in power, having a free hand in all departments of government, was now ready to take a step which proved its undoing.

President Pierce was inaugurated on March 4, 1853, and in his first message to Congress he had congratulated the country on the "repose" from agitation which the compromise measures had brought, and then added this declaration, "this repose is to suffer no shock during my official term if I have the power to avert it." But this pledge was not made to be kept. The thirty-third Congress assembled on the first Monday of December, 1853.

The session had only begun when Senator Dodge, of Iowa, presented a bill to organize the territory lying west of the states of Iowa and Missouri, and east of the Rocky Mountains into a territory to be known as Nebraska. It was referred to the committee on territories of which Senator Stephen A. Douglas, of Illinois, was chairman. The bill was reported back to the senate, where Senator Dixon of Kentucky, proposed an amendment to the effect that the act of 1820, popularly known as *the Missouri Compromise,* should not be construed to apply to this territory, *or to any other* territory of the United States. That compromise prohibited slavery in all the territory north of 36° 30′, and Senator Dixon's amendment opened all that vast region to the inroads of slavery. Senator Douglas secured the recommitment of the bill, and after a time reported it back so amended as to provide for the organization of two territories., Kansas and Nebraska, and providing that all questions pertaining to slavery in the territories or in the new states to be formed therefrom, should be left to the action thereof, and that the law of the United States in respect to fugitives from service should be faithfully executed in all organized territories. This was equivalent to a repeal of the Missouri Compromise.

The Kansas-Nebraska bill provided that:

"The Constitution and all the laws of the United States which are "not locally inapplicable, shall have the same force and effect within "said territory as elsewhere in the United States."

To this the amended bill added this reservation:

"*Except* the section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the Compromise Measure, and is declared inoperative."

To this, on motion of Senator Douglas, this explanation was added:

"It being the true intent and meaning of this act not to legislate slavery into any territory or state, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

This was the doctrine christened "Squatter Sovereignty," and which proved the rock on which the democratic party was destined to split.

To this provision Senator Chase of Ohio, in order to test the sincerity and real purpose of this doctrine, offered this amendment:

"Under which the people of the territory, through their appropriate representatives may, if they see fit, prohibit the existence of slavery therein."

Chase's amendment was voted down by a vote of 10 yeas, 36 nays—thus showing the understanding to be that under "Squatter Sovereignty" the people of a territory might tolerate slavery but could not exclude it.

By May 30, 1854, the bill had passed both houses and had been approved by the President, and it at once appeared that the "repose" of which President Pierce had spoken a few months before, had received a "shock" from which it was destined never to recover. The Missouri Compromise, which extended the principles of the Ordinance of 1787 to all that vast country acquired from France north of the line between Missouri and Arkansas, had been in force and had remained unquestioned for more than a third of a century. Senator

Douglas himself had declared that it had become "canonized in the hearts of the American people." It had been regarded as a fundamental article in all compromises between the north and the south, as sacred and almost as binding as the constitution itself. The shock produced by its repeal was immediate, intense and profound.

The debate in congress had been one of the ablest in the history of that body, in which Senator Cass took an active part in favor of the doctrine of "Squatter Sovereignty." The closing hours of the debate presented a scene of much solemnity. Coming events cast their shadows before, and the spirit of prophecy seemed to descend upon the Apostles of Liberty.

William H. Seward the leader of the party of the friends of Freedom said:

"You are setting an example which abrogates all compromises. . . . The shifting sands of compromise are passing from under my feet, and they are now without agency of my own taking hold again upon the rock of the Constitution. It shall be no fault of mine if they do not remain firm."

The eloquent Sumner of Massachusetts declared the bill:

"At once the worst and the best bill on which Congress ever acted—the worst inasmuch as it is a present victory for slavery, and the best bill because it prepares the way for the "All hail hereafter," when slavery must disappear."

The response of the North to this act was instantaneous and indignant.

In this protest Michigan was in line with the foremost, possibly a little in advance of the line. The natural leader of the free-democrats at this crucial moment should have been Robert McClelland, one of the authors of the *Wilmot Proviso*. But he had fallen in with

his party leaders in 1852, and had accepted office under Pierce, and was now in accord with Senator Cass. His great opportunity was lost, and it fell to another and perhaps less able man, Kinsley S. Bingham, another *"Wilmot Proviso Democrat."*

Long before the final passage of the bill, meetings of indignation and protest were organized throughout the state, and adopted resolutions of the most emphatic and earnest character. Most influential of these in Michigan was the great mass-meeting in Detroit, on February 18, 1854. It was called without distinction of party to protest in the sacred name of plighted faith against the desecration of the great compact of 1820.

Among the speakers were Zachariah Chandler, Jonathan Kearsly, Emanuel Barstow, James S. Van Dyke, and Bethune Duffield. Jacob M. Howard presented the resolutions, which had a resounding and defiant ring.* The influence of this meeting was great and immediate throughout the state. At Grand Rapids, already the second city, old party lines were abandoned, and a city convention was held which put in nomination a city ticket under the name of "Anti-Nebraska," with Wilder D. Foster (afterward member of congress) at the head for mayor, and triumphantly elected it at the spring election. This was probably the first victory of the Republican party. Although the name had not yet been adopted.

On the 22nd of February the "Free-Democrats" assembled in state convention at Jackson. The committee on resolutions was an able one, including Kinsley S. Bingham, Hovey K. Clarke, Fernando C. Beaman,

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*The writer of this well remembers arriving in Detroit the week following this meeting, and seeing the big "posters" calling the meeting, still covering the dead walls, and calling on men of all parties to rally in the name of "The Sanctity of Plighted Faith."

and Dewitt C. Leach; the two latter afterward members of congress. The resolutions drawn up by Hovey K. Clarke of Detroit, denounced the attempt to repeal the Missouri Compact as an infamous outrage upon Justice, Humanity and Good Faith.

The convention proceeded to nominate a state ticket with Kinsley S. Bingham for Governor, Hovey K. Clarke for attorney general, and Isaac P. Christiancy (afterward for many years a justice of the supreme court, and United States senator), for member of the Board of Education. This convention made a powerful appeal to all the lovers of "free speech, free soil and free men" in the democratic party, and its influence was at once felt throughout the state.

It might be supposed that the democratic leaders in congress would have taken warning from these and similar manifestations throughout the country. But they were confident that the Whig party was moribund, and that there was no political organization that could successfully oppose their program of destroying the compact of 1820, and opening all the vast territory of the nation to the introduction of slavery, and the enforcement of the fugitive slave law, even in the states where it was most abhorred. The slavery propagandists were booted and spurred to ride, but they were riding headlong to their fall.

Already throughout the North old party ties were breaking. The northern Whigs, always strongly tinctured with opposition to slavery, and disgusted and disheartened by the treatment of their national candidates in the South in the last election, had given up their national organization as a means of effectuating their aspirations and purposes.

The Free Soil Democrats were about ready to renounce their name, their leaders and the whole

"doughface" scheme of buying peace by truckling to the slave power.

The old "Liberty party" which had followed Birney in 1844, and had joined in the support of Hale and Julian in 1852, could see no hope except in the union of the friends of free territories. Conferences were going on among the leaders of the different wings of the "Anti-Nebraska" forces. And as the season advanced it became evident that the only hope of success lay in a union of all the friends of freedom. To such a union the ticket of the Free Soil Democrats, nominated at Jackson, was the chief obstacle.

The withdrawal of that ticket was the essential prerequisite to the Union.

By the time the Kansas-Nebraska bill had passed the House, May 22, many men in all the parties were advocating the dropping of all former political affiliations and names, that every energy and influence might be concentrated in one grand effort to defeat and reverse the policy of the democratic leaders to nationalize slavery. On May 25th a mass convention was called by the Free Soil Democrats, to meet at Kalamazoo, June 21, to prepare the way for such withdrawal, and the convention met at the time appointed and adopted an appeal to the people of Michigan:

> To declare in an unmistakable tone their will that slavery, aggression upon their rights shall go no further, that there shall be no compromise with slavery; that there shall be no more slave states, that there shall be no slave territory; that the fugitive slave law shall be repealed," etc.

Most important, a committee of sixteen was appointed with authority in their discretion, to surrender their distinctive organization and withdraw the ticket nominated at Jackson, Feb. 22. This paved the way for a union of all the opponents of slavery aggression.

Already, before the meeting of the Kalamazoo convention, a call had been drawn up by Isaac P. Christiancy, of Monroe, upon consultation with a number of prominent friends of united action, calling for a mass convention to be held at Jackson on Thursday the 6th of July next.

"There to take such measures as shall be thought best to concentrate the popular sentiment of this state against the aggressions of the slave power."

The call was most eloquent and fervid.

Referring to the repeal of the Missouri compact, it declared:

"Such an outrage upon liberty, such a violation of plighted faith cannot be submitted to. This great wrong must be righted, or there is no longer a North in the Councils of the Nation. . . . The safety of the Union, the rights of the North, the interests of free labor, the destiny of a vast territory and its untold millions for all coming time, and finally the aspirations of humanity for universal freedom, ALL are involved in the issue forced upon the country by the slave power and its plastic Northern tools."

It is inspiring and stimulating in these modern days of devotion to materialistic interests to read these words of men who were devoting their lives to a principle in which they believed with all their might, mind and strength, for which they were willing to live and for which they were ready, if need were, to die. It seems impossible for this generation, after forty years of accumulating wealth and material possessions, to understand or comprehend the intense feeling and the hot indigation of the men of 1854, which dissolved all party ties and melted the shackles of life-long party affiliations in the crucible of patriotic sentiment.

This call was circulated through the state, and was signed before the day for the convention arrived, by more than ten thousand names, including a great per-

centage of the vigorous, active young men of Michigan.

The convention met at the day appointed, and as no place of assembly in the town of Jackson could contain the gathering, it adjourned to an oak grove, in the southern edge of the town, and there "under the oaks" was held that historic convention, which gave a being and a name to the Republican party. It was the Lexington which inaugurated the new war for liberty

> "'Twas here the embattled farmers stood
> "And fired the shot heard round the world."

In this mass convention were most of the men who guided the destinies of Michigan for the next generation. Among them may be named Zachariah Chandler, Jacob M. Howard, Isaac P. Christiancy, Thomas W. Ferry, Kinsley S. Bingham, Moses Wisner, Austin Blair, Henry P. Baldwin, David S. Walbridge, Fernando C. Beaman, Charles T. Gorham, and scores of others only a little less prominent in the state. A committee of sixteen, four from each of the several Congressional districts was appointed to report resolutions to the convention. The committee was a most able one, including such well known names as Jacob M. Howard, Austin Blair, Charles Noble, Marsh Giddings, Albert Williams and Z. B. Knight. Jacob M. Howard, of Detroit, who had prepared a draft of a "platform" was chosen as chairman of the committee, and the resolutions which he had prepared in advance were adopted by the committee and ordered reported to the convention.

The resolutions were lengthy and argumentative, considerably longer than the Declaration of Independence, and were rather an address and appeal to the electors of the state than a simple declaration of political principles. The resolutions were adopted with some slight modifications by the convention. It is not possible in this his-

tory to even summarize this long address, but two of the briefer of the resolutions should be recorded here, as follows:

*Resolved,* That postponing and suspending all differences in regard to political economy or administrative policy, in view of the imminent danger that Kansas and Nebraska will be grasped by slavery, and a thousand miles of slave soil be thus interposed between the free states of the Atlantic and those of the Pacific, we will act cordially and faithfully in unison to avert and repeal this gigantic wrong and shame.

*Resolved,* That in view of the necessity of battling for the first principles of Republican government and against the schemes of an aristocracy, the most revolting and oppressive with which the earth was ever cursed or man debased, we will cooperate and be known as REPUBLICANS until the contest be terminated."

Austin Blair, afterward the "War Governor" of Michigan had prepared a set of resolutions which were said to be extremely radical. He considered Mr. Howard's altogether too tame to meet the occasion. Mr. Blair offered his resolutions in the convention as a substitute for those of the committee, but the latter were adopted with substantial unanimity.

There has been much discussion as to the honor of suggesting the name of the new party; but we think it is now conceded that the honor should be divided between Horace Greeley, of the New York Tribune; Joseph Warren, of the Detroit Tribune, and Jacob M. Howard, chairman of the committee. The suggestion of the name came from Mr. Greeley, and was adopted by the committee and the convention; though Mr. Howard was of the opinion that Mr. Greeley's suggestion was of "Democratic-Republican," and the first part was stricken out on his suggestion.

Having adopted the platform with great unanimity, the convention appointed a committee of 88 to report a state ticket to be supported by the newly christened party. On this large committee (designed to be three

from each of the 32 Senatorial districts) were such men as Jacob M. Howard, Moses Wisner, Charles M. Croswell, Fernando C. Beaman and Charles T. Gorham. It was plain by the manifestations of the conventon that Kinsley S. Bingham was the favorite for head of the ticket, and the committee gave rather more than half the subordinate places to the Whigs, substituting George A. Coe, of Branch, for Nathan Pierce, for lieutenant governor; John McKinney, of Van Buren, for Lovell Moore, for secretary of state, and Joseph M. Howard for Hovey K. Clarke, for attorney general, the candidates before named by the convention of the Free Democrats.

During the absence of the several committees throughout the day and evening, addresses were made by leading men of the convention, including Kinsley S. Bingham, Zachariah Chandler, Hovey K. Clarke, Austin Blair, Isaac P. Christiancy, Professor E. O. Haven, of the University; President Edmund B. Fairfield, of Hillsdale College, and perhaps a dozen others. Mr. Chandler, the last candidate of the Whig party of Michigan for governor and senator, took occasion to cordially endorse Kinsley S. Bingham, which tended to unify and consolidate the Union sentiment, and strengthen the new party movement.

The platform, or declaration of principles, was received by the Anti-Slavery people of the State with cordiality and enthusiasm, and the ticket recognized as a fair representation of the elements uniting. The result of the movement was a political revolution, which has shown no sign of going backward, and which has exhibited continued strength and vigor since the coming in of the new century.

The new party was organized upon a single issue, the restriction of slavery. That issue long ago ceased to ex-

ist through the absolute destruction of slavery, by the great civil war. That war projected upon the country the new issues of peace and war, of reconstruction, of payment of the debt, of currency, of land policy, of means of revenue, of the tariff and of the great race problems.

The campaign of 1854 was earnest to the degree that the adherents of the old parties called it fanatical. There was a fervor almost religious in the zeal of the Anti-Slavery advocates; but it was that very zeal and enthusiasm which carried them to decisive victory in November. The adherents of the administration democrats had nominated, at Detroit, September 14, for governor, John S. Barry, as the strongest man to oppose the new movement.

The entire Republican state ticket was elected, Kinsley S. Bingham receiving 43,652 votes, and John S. Barry, 38,675. The new party also elected three of the four candidates for Congress, to wit: Wm. A. Howard, Detroit, in the 1st, David S. Walbridge, Kalamazoo, in the 3rd, and Henry Waldron, Hillsdale, in the 4th district. In the second district George W. Peck, of Lansing, was elected over Moses Wisner, of Pontiac, by a vote of 11,233 to 9,863, but two years later that district was also added to the Republican column, electing Dewitt C. Leach by a vote of 18,248 to 14,524, and the delegation remained unbroken until 1863.

In the election of the legislature the new party was equally successful, choosing 25 out of the 32 senators, and 48 out of 72 representatives.

By way of comparison it may be stated here that in the presidential election of 1900 William McKinley, republican received in the state 316,260 votes to 211,685 for Wm. J. Bryan, democrat, and in 1904 Theodore Roosevelt, republican, received 364,957 to 135,-

392 for Alton B. Parker, democrat. To show the completeness of the revolution of 1854 it may be said that since that date no democrat has been elected from Michigan to the United States senate, and no democratic candidate for president has received a plurality of votes in the state, and in the last two legislatures the democrats have elected one out of 32 senators and ten out of 100 representatives.

The term of Senator Cass expired March 4, 1857, when he entered the cabinet of President Buchanan, and was succeeded by Zachariah Chandler in the senate. Charles E. Stuart lingered until March, 1859, to be succeeded by Kinsley S. Bingham.

# CHAPTER XXV

## The Bingham and Wisner Administrations

THE name of Kinsley S. Bingham, the first Governor of Michigan, under the Republican regime, has already become familiar. He was born in Onondaga County, N. Y., 1808, educated in common schools and academy, came to Michigan in 1833, he was five times elected to the legislature, three times Speaker of the House and twice elected to Congress. He became prominent in Congress as an advocate of the Wilmot proviso, and no one was more active than he in the revolt against the dominant party in 1854. His administration extended over four years, from 1855 to 1859, and though it was a period of much and continual political excitement, it was also an era of prosperity and progress for the state.

The state institutions were flourishing. The University, the oldest of these institutions, under the influence of the new president, and the remission by the legislature of 1853 of the interest on the state loan of $100,000 was going forward with unexampled strides; the State Normal School was increasing in numbers and influence and providing the state with a large number of excellent teachers for building up the common and graded schools; the Agricultural College at Lansing was opened during the year 1857; the Michigan Insane Asylum was building at Kalamazoo, and nearly ready to open; the "general college law" was enacted, under which excellent collegiate institutions were established by the Free Baptists at Hillsdale, by the Methodists at Albion, and by the Baptists at Kalamazoo, by the Protestant Methodists at Adrian, and by the Congregationalists at Olivet, all before 1860.

There was little to distinguish the last year of Acting Governor Parsons' administration (1854), except the tremendous political excitement over the repeal of the

Missouri compact, which dwarfed every other interest. Yet under it all the state was going steadily on its way, increasing in wealth, and in population, paying its debts, regaining its lost financial prestige, and strengthening the hearts of its young men for the terrible struggle which now began to loom into view above the horizon of the future.

The first legislature under the new regime (the 18th) met on January 3, 1855, and adjourned on Feb. 13. In the senate were such men as Austin Blair, Omar D. Conger, Wilder D. Foster, Reuben Goodrich, George Jerome and W. H. Brockway. In the House were a number of men destined to become well known. In the short session of less than seven weeks much important legislation was enacted.

From a political standpoint the most important was the act, approved Feb. 13, "to protect the rights and liberties of citizens of this state," and popularly known as the "personal liberty law." It was designed as far as possible within constitutional limits, to prevent and hinder, within the state of Michigan, the seizure and removal of free colored persons under guise of the enforcement of the fugitive slave law. It provided that all prosecuting attorneys "diligently and faithfully use all lawful means to protect and defend all persons arrested as a fugitive slave," That all persons so arrested and claimed as fugitive slaves should be entitled to all the benefits of the writ of *habeas corpus* and of trial by jury. Appeals were allowed from findings of commissioners, and on appeal the Court should direct a trial by jury, the costs to be charged to the state, when they would otherwise be chargeable against the defendant; extremely severe penalties were provided against any person *falsely* claiming a fugitive slave. No one was to be deemed a fugitive except upon the testimony of two credible wit-

nesses. We think it must be conceded that this law went to the limit of the constitutional power of a state to obstruct the enforcement of a federal statute; and yet it must be said that in the condition of feeling then existing nothing less would have satisfied the demand of the people of Michigan. Another act absolutely prohibited the use of the jails of the several counties for the detention of persons claimed as fugitive slaves.

Very important legislation from a social and educational point, were the prohibitory liquor law; the general law to provide for the organization of charitable societies; the general college act; the act to provide for holding teachers institutes; the act to remit the interest on the University loan; the act establishing a House of Correction for juvenile offenders; appropriating $100,000 for asylums; to incorporate the State Teachers' Association and the Married Women's Act.

A great industrial interest makes its first appearance in the statute book in the "act to provide for the formation of companies, for the running, booming and rafting of *logs*," and in an "act to provide for the inspection of *lumber*." These two acts mark the rise of the great lumber industry, presently to grow to gigantic proportions, and for a time to make Michigan the foremost lumbering state in the Union. It proved so profitable and excited the greed for immediate gain to such an extent, that in a single generation the magnificent and unrivalled pine forests of the state were swept away, leaving a desolation, where should have been the forest reserve of coming generations? Now that the mischief is done and irrevocable and irremediable, the people of the state are just awaking to the enormity of the folly that has been committed, and are actively planning a system of reforestation.

Other laws enacted in 1855, bearing upon the great

industrial interests of the state were a general railroad law; an act to provide for the operation of the St. Mary's Falls Ship Canal, then approaching completion; a general law to authorize the formation of gas light companies, and for the organization of building associations, and to confer certain powers upon mining companies.

County organizations were provided for Gratiot, Manitou, Manistee and Mason counties, and the organization of Emmet, Midland and Oceana was completed. The city of Flint (the 6th), and the *village* of East Saginaw were incorporated; the state was redivided into senate and representative districts. But, perhaps, the most satisfactory act of all was "an act relating to the disposition of the *surplus funds* in the state treasury."

This act authorized and instructed the state treasurer (then Silas M. Holmes of Detroit) to purchase so much of the outstanding bonds of the state as he might be enabled to do, at a price, not exceeding the current market rate; and holders of such bonds were required to present them for adjustment within six months; at the end of which time the interest would cease, in case of failure to so present them. The late state treasurer, B. C. Whittemore had reported under date of Dec. 30, 1854, that the amount then in the treasury was $553,004.08. The treasurer says, "During the fiscal year just closed all demands on the treasury have been promptly met, and a large surplus has accumulated in the public depositories, for which the state has this year received interest at the rate of 3 per cent per annum."*

In addition to all this legislation, and much more of less historical significance, the legislature of 1855 passed one series of joint resolutions so typical of the times and

*Report of Treasurer, 1854, Laws 1855, 579.

so far-reaching in their influence that no history of that period would be at all complete without notice of them.

It is so impossible to adequately summarize them that for their historical presentation they are here transcribed.

(No. 6.)

*Joint Resolutions respecting slavery in the Territories of the United States.*

*Whereas,* Slavery is regarded by the people of this state as a great moral, social, and political evil, at war with the principles of the Declaration of Independence, and the great object contemplated by our forefathers in establishing the Constitution of the United States; an impediment to the prosperity of our common country, and an element of domestic weakness and discord; and

*Whereas,* The people of Michigan owe it to the early and prudent exercise of the power of Congress over the Territories of the United States in applying the anti-slavery restriction contained in the ordinance of 1787 that she is not now a slave-holding state; and

*Whereas,* The people have heretofore through their Legislature, repeatedly and earnestly remonstrated against the further extension of slavery in the national territories; and

*Whereas,* Our present Senators and two of our Representatives in Congress did at the session now last past, vote for the repeal of the Missouri Compromise, so-called, and for an act organizing the Territories of Kansas and Nebraska, thereby permitting slavery to be introduced into a region equal in extent to the thirteen original States, from which territory by the solemn legislative compact of 1820 it was forever excluded; and

*Whereas,* Such repeal has been effected without petition, without discussion by the people, and in defiance of the well-known wishes and opinions of a large majority of the people of this state and of the United States; and

*Whereas,* The violation by Congress of the compact of 1820 has released the people of this state from all obligation to respect Congressional compromises for the existence or perpetuation of slavery; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That we hold the said repeal and the permission granted by said territorial act to introduce slavery into said territories, to be a violation of a mutual covenant between the free states and the slave-holding states of the Union, justified by no necessity, present or prospective, injurious to the rights of the former, tending to interrupt the internal harmony of the country, and to frustrate the well-known purpose of the framers of the Constitution who by gradual legislation designed ultimately to put an end to slavery."

*Resolved,* That we are opposed to the further extension of slavery, or the recognition or permission thereof in any Territory now owned or which may hereafter be acquired by the United States.

*Resolved,* That we hold it to be within the constitutional power of Congress to abolish slavery and the slave-trade in all the territories of the United States, including the District of Columbia, and that it is their duty in view of the great and permanent interests of the nation to pass laws for the immediate suppression and extinction of all such trade in the territories and in said district.

*Resolved,* That our Senators in Congress be and they are hereby instructed, and our Representatives requested, to vote for and use their best exertions to procure the passage of an act of Congress that shall prohibit the introduction or existence of slavery in any of the Territories of the United States, and especially in Kansas and Nebraska, and to introduce without delay a bill for this latter purpose."

The remaining three resolutions denounce the fugitive slave law as harsh, unjust and repugnant to the moral sense of the people of the state, and that our senators be instructed and representatives requested to use their best exertions to secure its repeal, and that the governor be requested to forward copies of the preambles and resolutions to our senators and representatives in Congress.

These drastic resolutions were approved by the governor, Jan. 26, 1855, and on the 5th of the following month they were presented in the U. S. Senate by the junior Senator, Chas. E. Stuart.

When instructed by the legislature of 1849, in regard to the Wilmot Proviso, Senator Cass had publicly acknowledged the right of instructions, and their binding character; though at that time had declared that it was not a proper occasion for such instructions. But now he refused obedience to the instruction, upon the ground that they came from a party which had suddenly and, as he believed, temporarily gained possession of the government of the state. He was persuaded that the passage of the measure proposed would be the signal for the

breaking up of the government and the dissolution of the Confederacy.*

Senator Stuart followed the example of his colleague.

So far as action by Congress was concerned the resolutions effected nothing; but these with the "personal liberty acts" of this and other states, were regarded by the leaders of the South as showing a determination on the part of the North not to enforce the fugitive slave law, and to shut up slavery within the states where it then existed, which would sound its death knell within a limited period.

All this tended toward one issue. The sections were drawing apart. The centrifugal forces were becoming more powerful than the centripetal, and, seeing the power passing from their hands, the radical leaders of the South were preparing to seek control in a new Confederacy that should be unequivocally devoted to the interests of slavery. Other states followed the example of Michigan and broke away from old party shackles. There was in 1854 no new *national* party, and no general direction of the campaign. In a number of states the name of "Whig" was still retained. In several the new party was known as the "Fusion party"; but throughout the old Northwest Territory—Ohio, Indiana, Illinois, Michigan and Wisconsin—where the seed of the Ordinance of 1787 had been planted in good soil, it was known only as "the Republican party." But under whatever name the revolt against the repeal of the Missouri compact arrayed itself, the whole North recognized the fact that a revolution had been accomplished; that the Whig party as a national organization was dead, and that it was now a life-and-death struggle for the possession of the territories.

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*Cong. Globe, p. 556. McLaughlin Life of Cass, 306.

It is not possible here to repeat or do more than merely allude to, the story of long and bitter struggle for Kansas. It is part of the public history of the time. There was violence, border ruffianism, and murder, pillage and rapine from Missouri and the South on the one side, and "Emigrant Aid Societies," "rifle companies" and steady and unflinching determination to make Kansas a free state on the other. In the midst of this excitement and disorder in Kansas the National Republican party was organized by a preliminary convention, which met at Pittsburg, Pa., February 22, 1856. This preliminary convention was attended by delegates representing twenty-seven states, including Michigan, and arranged for calling a nominating National Convention at Philadelphia on June 17,—the anniversary of the battle of Bunker Hill. The latter convention was held at the appointed day, Michigan being fully represented.

This convention nominated Col. John C. Fremont, of California, the free state senator, for President, and William L. Dayton of New Jersey for Vice-President. Meanwhile a state of affairs, equivalent to civil war, prevailed in Kansas. But the free-state element was gaining. While the Missouri borderers came like an army with organized bands, trains and supplies, they returned again to Missouri when the election or the raid was over. On the other hand the Northern emigrants came with families and household goods, and took up lands and made permanent homes as actual settlers. But they were backed by a widespread and powerful organization known as the "Emigrant Aid Society," which supplied them with arms and means of subsistence until they could open farms.

The campaign of 1856 had scarcely opened, when on the 4th of July the Free State Legislature, assembled at

Topeka, was forcibly dispersed and disorganized by the *United States Regulars,* by order of President Pierce. Almost at the same time came the brutal and bloody assault upon Senator Sumner, of Massachusetts, in the Senate Chamber, by a representative of South Carolina, for words uttered in debate in the Senate.

As a result of these events hot indignation swept over Michigan like a prairie fire, and thousands of democrats who had adhered to their old party affiliations until 1854, were swept into the ranks of the new party. The old state ticket with Kinsley S. Bingham at its head had been renominated in its entirety, and after one of the most exciting and enthusiastic campaigns ever witnessed, the whole Republican ticket was re-elected by a vote of 71,762 for Fremont to 52,136 for Buchanan, the democratic candidate. This great preponderance was also shown in the legislature, 29 out of the 32 senators and 63 of the 81 representatives being Republican. The delegation in Congress also became unanimous. Dewitt C. Leach taking the place of George W. Peck, from the second district. The candidate for governor on the democratic ticket was ex-governor and ex-senator Alpheus Felch, one of the strongest and best men in his party, and the vote stood for Bingham 71,402, and for Felch 54,085, a majority of 17,317.

The thirty-fourth Congress—the first following the repeal of the Missouri compact—assembled Dec. 3, 1855, and the first session adjourned Aug. 18, 1856. No party had a majority in the House, and that body remained unorganized for many weeks, in a vain attempt to elect a speaker. At length Nathaniel P. Banks, of Massachusetts, was elected, and at once the condition of affairs in Kansas became the absorbing topic of debate The importance and prestige of the Michigan delegation was greatly enhanced by the appointment of Will-

iam A. Howard, of Detroit, as chairman of a committee to proceed to Kansas and investigate and report on the condition of that territory. The committee consisted of Wm. A. Howard, Michigan, chairman; John Sherman, Ohio, and Mordecai Oliver, Missouri. Mr. Howard was a Vermonter by birth, with college education, a lawyer and banker. He came to Michigan in 1840. He had not before taken conspicuous part in political life, but had gained some reputation as one of the counsel for defendants in the great railroad conspiracy case in 1851. He was re-elected to the 35th Congress, but defeated for the 36th on the face of the returns by Geo. B. Cooper, but was seated on contest. After serving as postmaster of Detroit under President Lincoln, he became land commissioner of the Grand Rapids and Indiana Railroad Company, having charge of its great land grant. He removed to Grand Rapids. In 1869 he was tendered the mission to China, which he declined. In 1876 he was the head of the Michigan delegation to the National Republican Convention at Cincinnati, and had much to do with the nomination of Governor Hayes for the presidency. In 1877 he was appointed by President Hayes governor of Dakota, and resided in that Territory until 1880; but his health failing he went South to avoid the rigors of the climate, and died at Washington, D. C., April 10, 1880. Mr. Howard gained his first national reputation as chairman of the Kansas Investigating Committee. The report, drawn chiefly by Mr. Howard, made upward of 1,200 printed pages. This report exerted great influence throughout the North; but especially in Michigan, where Mr. Howard was well known, it greatly affected the allegiance of many who had hitherto adhered to the

*For a good sketch of Wm. A. Howard see 4 Mich. P. & H. Coll. 124.

democratic party. From that time he was a power in the state as long as he lived.

The election of 1858 resulted in the choice of Moses Wisner for governor and Edmund B. Fairfield (president of Hillsdale College) for lieutenant governor.*

Jacob M. Howard for attorney general was the only officer nominated for a third term. John McKinney, of Van Buren, was elected state treasurer, as the state had occasion long to remember. John M. Gregory, afterward president of Kalamazoo College, was chosen superintendent of public instruction, and for six years continued the long line of able men, who held that important office. Other state officials elected were N. G. Isabel, secretary of state; Daniel L. Case, auditor general, and James W. Sanborn, commissioner of land office.

Moses Wisner had been the republican candidate for Congress in 1854, but was defeated by Geo. W. Peck. He had also been one of the minor candidates for the nomination for United States Senator, at the time of Chandler's first nomination in 1857. His opponent in the contest for the governorship was Charles E. Stuart,

*Edmund B. Fairfield, D. D., LL.D., was born in Virginia, in 1821, of an old Southern family. His father was a slaveholder who emancipated his slaves. He was a graduate of Oberlin (O.) College, and was ordained for the Christian ministry. In 1848 he was appointed principal of Michigan Central College at Spring Arbor, Jackson County, which was afterward removed to Hillsdale and opened in 1855 as Hillsdale College. In 1856 he was elected State Senator and in 1858 Lieutenant Governor. He remained President of Hillsdale College until 1870, when he resigned. He then spent a year abroad in travel in Europe, Asia and Africa. He was Chancellor of the University of Nebraska, from 1877 to 1882, when he resigned to return to Michigan as pastor of the Congregational Church at Manistee. July 1889 he was appointed by President Harrison Consul at Lyons, France, which post he held a little more than four years. After a pastorate of five years at Mansfield, Ohio, he retired, and died at Oberlin, Ohio, Nov., 1904, aged 83. He was a scholar of much learning, an Orator who has had few equals in the state, an anti-slavery man of intense convictions, and a devoted patriot.

of Kalamazoo, United States Senator, whose term would expire on March 4, 1859. Wisner's majority was 9,135. His administration was an intermediate one between the fresh enthusiasm of the campaigns of 1854 and 1856, and the tremendous storm and stress period of 1860-1861. Between these two it has been little noticed, though a bad prominence was given it by the defalcations of John McKinney, the state treasurer, who embezzled a large sum of the state's moneys, thus leaving the treasury so nearly empty, that his successor, John Owen, in the absence of authority to borrow, was obliged to pledge his personal credit in order to maintain that of the state.

McKinney was afterward indicted, tried by a jury in Ingham County, found guilty and after an appeal to the Supreme Court, sentenced to prison, where his health soon broke down, and he was released only to die soon after. The stern and severe punishment of this first exponent of the modern school of "graft" has had a beneficial influence both on public officials and public opinion. It was a most trying and mortifying experience for the party which elected him, and for the state, but like most clouds it had its "silver lining."

Another event which occurred during the Wisner administration was of such national significance that it must be mentioned here, though it did not in any especial way concern Michigan except in its results:—the "John Brown raid." Out of the turmoil and confusion and lawlessness of the "border ruffian" days in Kansas came a grim and relentless avenger of blood, who had gained the title of "Old Brown of Osawatamie" or "Osawatamie Brown," from the fact that he had commanded in a fight on the banks of a river of that name. With a zeal and fanaticism which amounted to insanity, he organ-

ized an invasion of Virginia, expecting to induce a rising of blacks, and to free the slaves and set up a revolutionary government somewhere in Virginia. It is needless to repeat the story of the raid at Harper's Ferry. It is as well known as any incident in American history. It was not the undertaking of a normal and sane man. But Brown was a Northern man. He had been identified with the Free State men of Kansas, who were backed and upheld by the Emigrant Aid Society, which was generally assisted by the more radical republicans of the North.

John Brown was not a republican, radical or otherwise. He was not even an abolitionist. Even they were too moderate and too conservative for him. He claimed to be divinely directed to free the slaves, and he proposed to do it in the most direct and immediate way. The attempt at Harper's Ferry, as might have been anticipated, proved a bloody and tragic failure, and Brown paid the penalty of his attempt on the scaffold, at Charlestown. Out of it all came like an illuminating flash of lightning in a black and stormy night, the story of the calm and heroic death of Brown, which at once seized upon the imagination and admiration of men, and when his remains had been conveyed to their resting place in the mountain region of Northern New York, from somewhere came the marching chant, adapted to an old camp-meeting air:

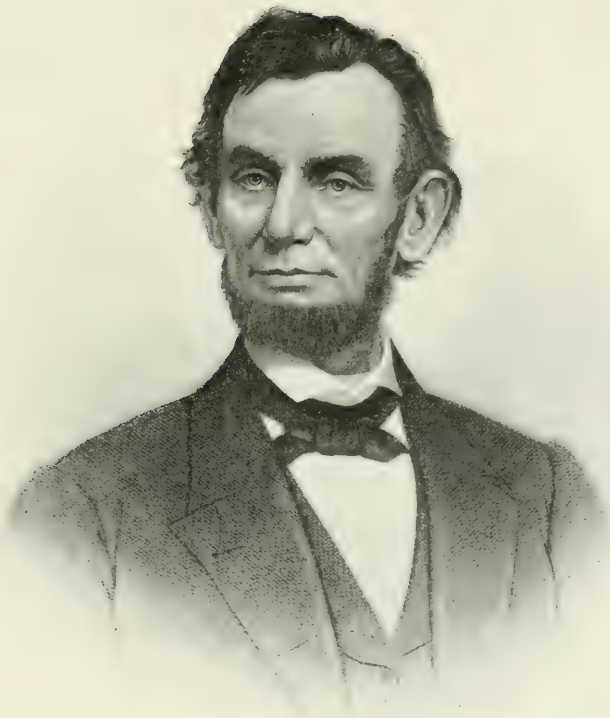
> "John Brown's body lies mouldering in the ground,
> But his soul goes marching on."

Which became the marching song of a million armed men,—the real "battle hymn of the Republic."

The invasion of Virginia by Brown and his seventeen white and five colored men, filled the South with fear and fury. The one nightmare which hangs perpetually over any slave-holding community is the fear of servile

insurrection, with the blood and rapine which that implies. There was not a home in the South where the fear of servile rising was not an omnipresent spectre. It sat by every hearthstone, and hovered in the darkness of every night. The insane affair of Harper's Ferry had raised this spectre on every plantation from the Potomac to the Gulf, and gave fresh impetus to the talk of secession and disunion.

On March 4, 1857, James Buchanan had been inaugurated as president with John C. Breckenridge of Kentucky as vice-president, and such pronounced friends and champions of slavery in the Territories as Howell Cobb, of Georgia; John B. Floyd, of Virginia, and Jacob Thompson, of Mississippi, in the cabinet. Among such colleagues Senator Cass, whose term had expired on the 3rd of March, took his place on March 7, as secretary of state, and Zachariah Chandler on March 4 had taken the seat in the senate vacated by Cass. Under such circumstances the critical year 1860 drew near, a year which was to test whether the South or the newly awakened North was to control the policy and course of the government. On the one side the North had been profoundly shocked by the repeal of the Missouri compact, by the attempt to take violent possession of Kansas, by the assault on Senator Sumner, and by the Dred Scott decision; while the South was exasperated by the manifest loss of power which threatened them in the territories; by the violent opposition to the fugitive slave law, by the passage by several Northern states of "personal liberty laws," and finally, and most of all, by the John Brown invasion of Virginia. To adopt the words of Senator Seward, "the shifting sands of compromise were passing from beneath the feet" of both parties. More and more clearly the leaders of the South saw "the rod of Empire" slipping from their



A. Lincoln

grasp. Both sections realized that the contest of 1860 was to be one of momentous import.

Into this contest there had entered a new factor. On the 27th day of August, 1856, there was a great "Fremont meeting" at Kalamazoo. To this meeting as one of the speakers there came a very plain, unpretentious lawyer from Central Illinois. He was tall and ungainly, long of limb and homely of face. But he had attracted considerable attention by his candidacy for the Senate in the neighbor state, and by his promulgation of the doctrine that "a house divided against itself cannot stand," and that "this government cannot permanently endure half slave and half free." "I do not expect," he declared, "that the house will *fall,* but I do expect it will *cease to be divided.*"

This new factor was ABRAHAM LINCOLN, and the utterance which startled the South and aroused the attention of the nation were the words, "I *do* expect it will cease to be divided." When in May 1860 Abraham Lincoln was nominated for the presidency, it was this same sentence that cast a broad shadow across the campaign of that year.

"I *do* expect it will *cease to be divided.*"

# CHAPTER XXVI

## Legislature and Industrial Affairs

WHILE it seemed imperative to devote the last chapter to some brief account of the exciting and important political movement, in the years from 1855 to 1860, a record must now be made of the legislative, social and industrial features of the same period. While these are not of so absorbing interest, they are quite as essential to a just history of that time.

The legislature of 1857 (the 19th) met in regular session at the capital, Jan. 7, 1857, and adjourned Feb. 17. In the 36 legislative days it passed 195 acts, and 31 joint resolutions. Byron G. Stout, of Oakland, was speaker of the House, and Geo. A. Coe, of Branch, president of the Senate. The great body of the legislation was local or private, but among the general acts of historical interest the following are briefly indicated. Port Huron, Jackson and Saginaw City were incorporated as cities; the counties of Alpena. Iosco and Bay were organized; new charters were granted to Detroit and Grand Rapids; needed appropriations were made for the State Prison and the asylums. A new compilation of the laws was provided for, which was subsequently made by Thomas M. Cooley, and known as the compilation of 1857; a law was passed relative to the sale of the state swamp lands donated by the United States, and the distribution of the proceeds; a general banking law was enacted, and the organization of the new Supreme Court, under the Constitution of 1850, was duly provided by statute. The lands granted to the state for railroad purposes by the Act of Congress of June 3, 1856, were accepted and conferred conditionally upon six different lines of road.*

*These lands amounted in the aggregate to 3,775,598.24 acres.

These were the Amboy, Lansing and Traverse Bay; The Detroit and Milwaukee; The Flint and Pere Marquette; The Grand Rapids and Indiana; The Marquette and State Line (Upper Peninsula); The Ontonagon and State Line (Upper Peninsula); The Marquette and Ontonagon (Upper Peninsula), and the Bay de Noquet and Ontonagon (Upper Peninsula).

Most of these were built in due season, or in such additional time as was granted by the state, and now form portions of larger systems. The Grand Rapids and Indiana railroad alone still retains its original name, though under the control of one of the great eastern systems.

The District Courts of the Upper Peninsula were abolished, and the counties of that peninsula placed on the same basis as those in the lower.

A memorial was passed asking Congress for further appropriations for the protection of the St. Mary's Falls Ship Canal, which was said to be in some danger.

On Feb. 4, joint resolutions were passed, which after reciting instructions to senators on previous occasions, which "instructions were utterly disregarded, notwithstanding the previous and repeated avowal on the part of our senators of the doctrine of instructions,"

"Resolved, etc., that in the name and by the authority of the people of the State of Michigan, we respectfully DEMAND of our senators and earnestly ask of our representatives in Congress *to resist to the utmost* the admission of any more slave states into the Union, etc."

At this time General Cass was serving his last month in the senate; but it is a matter of public history of which all may take "judicial notice" that this "*demand*" was never complied with until there was a change of senators, and then these *demands* were no longer necessary. The last resolution approved on the day of final ad-

journment directed the appropriation of a sum not exceeding ten thousand dollars for the aid and relief of emigrants from the State of Michigan to the Territory of Kansas.

As the close of the year 1857 drew near, it became manifest that the surplus revenue was falling off to such an extent that a loan must be made in order to promptly meet the maturing debt and protect the financial credit of the state. The report of the state treasurer on Nov. 30, 1857, showed a balance in the treasury of only $158,690.43, while the estimated disbursements for 1858 amounted to $349,746.78; and the current expenses and appropriations for state institutions—the Agricultural College, State Normal School, the asylums, the new House of Correction and the State Prison —would require the entire current revenue to meet them. Under these circumstances a special session of the legislature became necessary, which was called to meet on Jan. 12, 1858.

The legislature met in special session according to the call, and on January 30 the governor approved "An Act authorizing a loan to pay those parts of the state indebtedness falling due before and on the first day of January, 1859, and providing for a temporary loan if necessary."

The act provided for a loan of $216,000 for a term of twenty years, at six per cent interest, the same to be issued in bonds of $1,000 each. The act further authorized a *temporary* loan not exceeding $50,000 redeemable after two years from July 1, 1858, at a rate of seven per cent. It appears from the treasurer's report for 1858 that the entire amount of $266,000 was negotiated to become due January 1, 1878. Long before these new bonds became due the State of Michigan was upon an unquestionable financial footing, and never

since has she experienced difficulty in placing her bonds for any amount authorized.

The object of the special session was thus accomplished; but as usual much general legislation was at the same time enacted. The Circuit Courts of the State were reorganized into ten circuits, and the powers, jurisdiction and duties of Circuit Judges defined to correspond with the changes made by the Constitution; an act for the sale and reclamation of the state swamplands provided that 50 per cent of the proceeds should go to the primary school fund, and 50 per cent to the counties for purposes of reclamation of the said lands. Some very significant resolutions were passed, showing the trend of popular thought. One favored a grant of lands to the Northern Pacific Railroad. Another strongly advocated the enactment of a free homestead law. Another favored the appropriation of money for the improvement of harbors, and, of course, there were the usual resolutions opposing the extension of slavery and the admission of Kansas under the Lecompton (pro-slavery) constitution.

The twentieth legislature (1859) met on January 5 and adjourned February 16, but in the 37 legislative days of the session they broke all records by enacting 263 laws and 29 Joint Resolutions. Henry A. Shaw of Eaton, was speaker, and Lieutenant-Governor Edmund B. Fairfield of Hillsdale, was president of the senate. This legislature issued by far the thickest volume of statutes that had yet been put forth, but it consisted in large part of city and village charters, some of them very voluminous. The laws of this year are full of the evidences of growth and progress, not the least of which is found in the large number of new counties organized and cities incorporated. In this one session the cities of Niles, Marshall, Port Huron, Owosso,

Lansing, Ypsilanti, East Saginaw and Battle Creek, were incorporated,—a larger number of cities than were incorporated from 1805 to 1855. The counties of Huron, Isabella, Muskegon and Mecosta were organized, and among the villages incorporated were Bay City, (changed from "Lower Saginaw"), Marquette and Paw Paw; among the acts of state-wide interest may be enumerated the act to create a deputy superintendent of public instruction; to change the designation of the "House of Correction for Juvenile Offenders" to the "State Reform School"—a change of title which has been fully justified by a change in the system and discipline; the remission of the interest on the university loan "of the entire amount heretofore, or that may be *hereafter* received;" an act to complete the geological survey of the state, under which Professor Alexander Winchell of the University was appointed state geologist; and an act to authorize school district libraries instead of township libraries.

Of industrial interest were the acts to encourage the manufacture of salt in the state by the promise of a *bounty,* of ten cents a bushel, payable when 5,000 bushels had been made; an act for marking logs and for registering the marks; here also should be mentioned the method definitely adopted for the reclamation of swamp lands by building a system of state roads through them, under which ten state roads were directed to be laid out, and commissioners appointed to superintend them. In the same connection should be noticed the swamp land "homestead act," passed at this session.

Under the general designation of reform legislation should be recorded the act to preserve the purity of elections by a system of registration of electors which has remained a permanent policy; the act to authorize proceedings by "information" instead of by indictment,

and to prevent the adulteration of liquors, and to establish a volunteer uniformed militia. This latter act provided for not to exceed 40 companies of volunteer uniformed militia, and an appropriation of $3,000 per year was made to aid in the instruction, drill, renting of armories, procurement of equipment, etc., of the said force. When two years later the Civil War broke out, these forty companies proved the nucleus of Michigan's splendid volunteer army.

During this year also the Michigan Insane Asylum at Kalamazoo was completed and opened for patients August 29, under the charge of Dr. E. H. Van Deusen, although the asylum was not fully completed until ten years later.

The "general college act" of 1855 had led to the organization of a number of denominational colleges, referred to in the last chapter. Most of them, if not all, had existed previously as "institutes" or academies.

ALBION COLLEGE was located at Albion in 1839, and was opened in 1843 as the "Wesleyan Seminary." In 1849 its charter was amended so as to organize a female college, and the title changed to "Wesleyan Seminary and Female College Institute," and the latter was authorized to confer degrees on women. In 1861 the charter was again amended and the name changed to "Albion College," with full college powers. The original academy or seminary was retained as a preparatory department. It has had a highly honorable career as a college.

ADRIAN COLLEGE was organized by the Protestant Methodists under the general college law, in March, 1859. It has had a less conspicuous career than Albion, but has maintained high standards.

KALAMAZOO COLLEGE, originally opened as an academy at Ann Arbor under the name of "Michigan

and Huron Institute." Removed to Kalamazoo, and for a time was a "Branch" of the University. As an institute it was first chartered in 1835, and was reorganized as Kalamazoo College, under the general law in 1855. The college has rendered most valuable service to the cause of education. It is in organic connection with the Baptist Church, though nominally undenominational.

OLIVET COLLEGE was founded as a Congregational "Institute" in 1844. Being situated in a remote locality, far from any considerable town or railroad communication, it had a hard fight for existence for many years. In 1859 it was incorporated under the general college law, and has since had a most praiseworthy history, and stands high among the smaller colleges.

HILLSDALE COLLEGE was an offspring of the Michigan Central College," (so called), at Spring Arbor, Jackson county, Michigan. An organization was formed by the Free-Will-Baptists in 1844. Hillsdale College was incorporated under the general college law February, 1855, and absorbed the parent institution at Spring Arbor, and on November 7, 1855, the college was opened for the reception of pupils, with a large and able faculty of which Edmund B. Fairfield, was president.

Hilsdale, in the half century of its existence has been one of the most flourishing of all the state colleges. These were the fruit of the general college act of 1855. It will be noted that with one exception they became colleges between 1855 and 1860.

The census year 1860 forms a mile-stone where we may well pause for a moment and take account of distances traveled. From the "statistics of Michigan," published by the state in 1861, we ascertain that returns

were made from fifty-one organized and unorganized counties:

That the population was in 1860, 751,110. Estimated value of real and personal estate, $234,294,538. Occupied farms, 62,722, valued at $162,713,267. Capital invested in manufacturing $35,303,590. Production of copper, Houghton county, 2,783 tons; Ontonagon county, 2,141 tons; total copper, 4,924 tons. Iron produced in Marquette county, 138,800 tons.

It was also during the administration of Governor Wisner that the great salt deposits of the Saginaw Valley were discovered and made available in commercial quantities. The story has been well told by William L. Webber, one of the prime movers, in the IV Mich. Pioneer and Historical Collections. He was one of the committee of four which secured the enactment of the law of 1859 promising a bounty of ten cents a bushel on salt from Michigan brine, to be paid only when the party should have five thousand bushels manufactured. It also exempted from taxation, without limit, the real and personal property used in the manufacture. Under the encouragement and stimulus of this law on April 16, 1859, the "East Saginaw Salt Manufacturing Co.," was organized with a capital of $50,000.

The state at an early day, under the advice of Dr. Houghton the state geologist, had expended about $30,000 in exploring for salt in the Saginaw Valley, without success. In spite of all discouragements the Saginaw company persevered, and on February 7, 1860, were enabled to announce that "Saginaw possesses salt water, second in strength and purity, and we believe in quantity, to none in the United States." The amount manufactured the first year was 10,722 barrels of five bushels each, or 53,610 bushels. The second year the production was 32,250 barrels.

Meanwhile other companies had been organized and other wells bored, and the bounty threatened to swamp the state treasury, and when the legislature of 1861 met it made haste and amended the law by limiting its benefits to companies organized prior to the first day of August, 1861, and the exemption from taxation to a period of five years in case of companies already organized, and reducing the rate of bounty to ten cents a *barrel* instead of ten cents per bushel.

It was a case of too much success,—and it was most fortunate for the state treasury that a statute does not constitute a *contract* between the state and those who invest their money in reliance on the law.

At the end of litigation with the state, and by virtue of a writ of the supreme court, the East Saginaw Salt Manufacturing Company finally received the sum of $3,174 as bounty under the act of 1859.

To make a record here of the importance of this great industry it may be stated that by 1864 there was manufactured annually in the state 529,073 barrels of salt; in 1874 it passed the 1,000,000-barrels-a-year mark; in 1879 it exceeded 2,000,000 of barrels; in 1882 it passed beyond 3,000,000; in 1898 it was upward of 4,000,000; in 1904 it was 5,390,812, and in 1905 it mounted to 5,671,253 barrels, and the *total* production of the state to the close of 1905 amounted to the enormous aggregate of 117,437,976 barrels, of five bushels each, an amount far transcending the most sanguine dreams of those who organized the first company in 1859, and the *bounty* upon which, under the law of 1859 would be $58,718,988.

There was no session of the legislature in 1860 and the administration of Governor Wisner closed with that year. The last year of Wisner's service as governor was much clouded by the financial embarrassments con-

sequent on the conduct of the state treasurer, John McKinney, before referred to. Governor Wisner tired of the responsibilities and harassments of office, and did not seek a re-election.

He was a man of large ability, strong convictions, and strict integrity. He was one of those who express their convictions in acts rather more than in words. He was the highest civil officer of the state who sacrificed his life in the war for the Union. August 8, 1862, he was commissioned colonel of the 22nd Michigan Volunteer Infantry. In September he went with his regiment to the seat of war, and died at Lexington, Kentucky, January 5, 1863, at the age of 46. Had his life been spared to the close of the war, there is little doubt that he would have attained the high rank to which his ability, his zeal and his patriotic devotion to the cause of the country would certainly have entitled him.*

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*Moses Wisner came to Michigan in 1842, at the age of 25, was appointed Prosecuting Attorney of Lapeer Co., but resigned. He was a candidate for Circuit Judge in 1852; for member of Congress in 1854; and received considerable support for Senator in 1857. His two messages to the Legislature show him to have been a broad minded and clear headed magistrate, who looked beyond the interests of the immediate day or year.

In his last message—his "ex-augural"—speaking of the state swamp lands, he said:

"Of what use are these lands to us in their present uncultivated state? It is *people* that we want, *not land.*"

In the same message, speaking of the salt bounty law he said:

"In my opinion this law ought not to be repealed, at least for a series of years, and not then without making ample provision for those who may have made investments in good faith under the law.

# CHAPTER XXVII

## Just Before the Storm

WE must return now to those political events and movements which were hurrying the country into civil war. Those events and movements were mostly outside the State of Michigan, but yet so intimately connected with its history as to make a connected narrative imperative. The year 1860 came in with storm signals flying both north and south. The terror and excitement of the John Brown raid was still upon the South, and that excitement was reflected in the halls of congress.

When the 36th congress met, scarcely more than a week after the execution of Brown, a committee was appointed in the senate to investigate the whole affair, with Senators Mason of Virginia, and Jefferson Davis of Mississippi, at its head. This committee and its investigation kept the subject stirred up during the entire winter. On the 30th day of December, 1859, John B. Floyd, secretary of war, had ordered the removal of 115,000 stands of arms from northern armories and arsenals, and their distribution among the southern states, ostensibly for protection against a servile insurrection, but as claimed by the anti-slavery element of the North, as a make-weight to the threat of disunion should the Republicans succeed in the coming presidential election.

The election was drawing nigh, and candidates and platforms were already engrossing the attention of the country. William H. Seward, senator from New York, seemed to be the logical candidate of the Republican party, while Stephen A. Douglas of Illinois, was the most conspicuous figure in the Democratic ranks. He was regarded at the time as the ablest and most ready debater in the United States senate. Of New England birth he had removed while a youth to southern Illi-

nois where he early entered public life and after a term upon the bench, where he gained the title of "Judge" Douglas, he was elected to Congress in 1842 and in 1847 to the senate, and re-elected in 1853. At the expiration of his term approached in 1858, he was endorsed by his party in Illinois for re-election. He was the idol of the Illinois democracy. Short of stature, compact of form, his face expressive of great force and decision, he had gained among his followers the name of "The Little Giant."

His party adherents in the northwest claimed for him the authorship of the doctrine of "popular sovereignty"as a means of settling the question of slavery in the territories. Douglas claimed that this should be left entirely to the people of the territory, without interference from congress or the people of the states. Hence it was also known as the doctrine of "non-interference." On this platform he was nominated as his own successor.

In like manner Abraham Lincoln had been nominated by a Republican state convention as successor to Douglas. It was then that he put forth his memorable "house divided against itself" utterance. The campaign had not progressed far when Douglas made a great speech at Chicago, designed as the "keynote" of the campaign, in which he presented with his usual ability, force and boldness his platform of "popular sovereignty" or non-interference in the territiories. Immediately Lincoln proceeded to answer it and present his platform and that of his party, defending the constitutional and historic right of congress to absolutely prohibit slavery in all the territories. This resulted in a challenge from Lincoln to Douglas to join him in one joint debate in each of the seven congressional districts of Illinois.

GORDON GRANGER

Rather reluctantly the Democratic committee accepted the challenge and arranged for the debate; and then ensued the most remarkable intellectual duel in the political history of the United States. Senator Douglas was already an avowed candidate for the presidency, and Lincoln had received considerable support for the nomination for vice-president in the Philadelphia convention of 1856. The contest was apparently an unequal one. Douglas, as we have already said, was regarded as the ablest debater in his party. He had enjoyed large experience in public life, and was the admitted leader of his party in the senate. He was bold, aggressive, pugnacious. He regarded Lincoln as far beneath him, and throughout the debate treated him with scant courtesy. Lincoln, on the other hand, was a country lawyer who had served one term in the lower house of congress, and had once come near to the election to the senate.

We refer to this great debate only to direct attention to the turning point in the contest. When the debate was nearing its close, Douglas proposed to Lincoln in writing a number of questions. Mr. Lincoln at the next meeting answered the questions with apparent frankness and candor. But these questions had given him the very opportunity which he most desired, and he then proposed to Douglas a list of questions, among which was one, around which the others were grouped, in effect, whether there was any constitutional way in which the people of a territory could exclude slavery therefrom so long as it remained a territory. Lincoln saw clearly that if Douglas answered in the *affirmative,* he might gain the senatorship but would divide the Democratic party. If he answered in the *negative,* it would at once expose the weakness and futility of "Popular

Sovereignty," and probably lose him the prestige of being its author and the senatorship at the same time.

At the next meeting Douglas replied that the people of a territory *could* exclude slavery therefrom before forming a state constitution by *"unfriendly legislation."* Senator Douglas had fallen into the pit which Lincoln had digged for him. The people of the South claimed that the slave holder with the property recognized by the laws of his state had the same right to take his slave property into a territory and hold it there indefinitely that another man had to take his horses or cattle or sheep there and be protected; and they denied most strenuously that the people of a territory, "mere squatters" had any right or power to prevent him by any means whatever,—"unfriendly legislation" or otherwise. At once Douglas lost cast and popularity in the South, and the division and disintegration of his party began. The doctrine of "unfriendly legislation" proved the rock on which his presidential prospects were wrecked.

It was under such conditions that the year 1860 came in. There was every prospect that with a divided democracy the Republicans would be enabled to elect their candidate for president. The Democratic convention met at Charleston, S. C., April 23, and continued in turbulent session for ten days, during which they were unable to agree, either upon a platform or a candidate. Fifty-seven ballots were taken for the nomination of a candidate for president, in all which Douglas had a majority, but not the two-thirds required by the rule established in such cases. The "cotton states" demanded a candidate who would subscribe to the doctrine that the constitution by its own force carried slavery into all the territories, and to that Douglas would not give his assent. During this long wrangle the representatives

of several of the "cotton states" withdrew from the convention and organized a separate meeting. Unable to agree upon a platform and unable to nominate a candidate, the convention adjourned to reassemble in Baltimore, Md., on June 18. The seceding delegates had organized and adopted a platform to suit them, and without nominating, adjourned to meet at Richmond, Va., June 11.

Under these conditions the Republican National Convention assembled at Chicago on May 16, 1860. The prospect of success was bright, not to say brilliant. In 1856 they had carried every northern state except Pennsylvania, Indiana and Illinois. Since then they had carried each and all of these. There was no hope of carrying any slave state, which included Delaware and Maryland, north of the Potomac.

The convention was large, enthusiastic and harmonious. Many of the ablest men in the party were present either as delegates or as advisors. David Wilmot of Pennsylvania, the accredited author of the celebrated *proviso,* was made temporary chairman, and George Ashmun of Massachusetts, an old "Daniel Webster Whig" was made permanent president. The party for the first time had become thoroughly unified and solidified.

Delegations, more or less representative, were present from six slave states—Delaware, Maryland, Virginia, Kentucky, Missouri and Texas. There was some question as to the representative character of the latter delegation, but they were for Seward and were seated. Michigan was fully represented by a very able delegation which included Austin Blair, chairman, W. W. Murphy, Thos. W. Ferry and Wm. L. Stoughton. To each of these was assigned a position in the permanent organization, and each was afterward distinguished in

the history of the state. Blair as congressman and governor, Ferry as congressman, senator and acting vice-president, Murphy as foreign minister, and Stoughton as brigadier general and member of congress.

The platform was ably drawn. Moderate in tone and in length, after an amendment incorporating the essential part of the premable of the Declaration of Independence as to the inalienable right to "life, *liberty* and the pursuit of happiness," it was adopted with substantial unanimity. The two resolutions embodying the fundamental doctrines on which the party was based were as follows:

"7. That the new dogma, that the Constitution of its own force carries slavery into any or all of the United States is a dangerous political heresy, at variance with the explicit provisions of that instrument, with contemporaneous exposition and with legislative and judicial precedent—is revolutionary in its tendency and subversive of the peace and harmony of the country.

8. That the normal condition of all the territory of the United States is that of Freedom; that as our Republican fathers when they had abolished slavery in our national territory, ordained that "no person shall be deprived of life, liberty or property without due process of law," it becomes our duty by legislation whenever such legislation is necessary to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a territorial Legislature, or of any individuals to give legal existence to slavery in any territory of the United States."

Thus did they make answer to those who would contended that slavery was the constitutional and normal condition of the territories, and on the other hand to those who maintained that a territorial legislature, a mere creature of congress, might introduce and establish it there. Had the vote been taken at any time before the arrival of the delegates at Chicago, it can hardly be doubted that William H. Seward would have been nominated on the first ballot by a large majority. But the delegations from Pennsylvania and Indiana succeeded in convincing the majority that Seward could not

receive the vote of those two states, and one or both were absolutely essential to success. As the main issue would be the same as had been discussed in the Illinois senatorial campaign in 1858, it seemed natural and suitable that Lincoln and Douglas should once more be arrayed against each other. The principal and serious candidates in the Chicago convention were five in number, Seward, Lincoln, Cameron of Pennsylvania, Chase of Ohio, and Edward Bates of Missouri. Edward Bates was the son of that Judge Frederick Bates who had been one of the three original judges of the Territory of Michigan, and who on account of the quarrel with Judge Woodward, removed to St. Louis in 1807.

On the third ballot Abraham Lincoln was nominated, very greatly to the disappointment of the hundreds, if not thousands, present at the convention from Michigan, who were enthusiastically devoted to the leadership of William H. Seward.

On the announcement of the final ballot, William M. Evarts of New York, moved to make it unanimous. Austin Blair of Michigan seconded the motion in behalf of his state, in a brief, but eloquent and heart-broken speech. He said: "Michigan from first to last has cast her vote for the great statesman from New York. She has nothing to take back. . . . We stand by him still. We have followed him with an eye single and with unceasing faith in times past. We marshal now behind him in the grand column which shall go out to battle for Lincoln." He then promised Lincoln "a round twenty-five thousand majority" in Michigan; a promise which the state in the ensuing election almost redeemed.*

The Democratic National Convention reassembled at

*The writer of this was present in the Chicago Convention of 1860 from first to last, as a devoted follower of William H. Seward, and shared in the disappointment at his defeat.

Baltimore, June 18, and the seceders convention at Richmond and adjourned to Baltimore; but it was no more possible to agree upon platform or candidate at Baltimore than it had been at Charleston. The regular convention nominated Stephen A. Douglas by a vote of 181 1-2 to 7 1-2 for John C. Breckenridge, and 5 1-2 for James Gutherie. The seceders convention nominated John C. Breckenridge of Kentucky, for president, and Joseph Lane of Oregon, for vice-president.

The Douglas convention declared in ambiguous language that "the restriction, whatever it may be, imposed by the Federal Constitution on the power of the Territorial Legislature over the subject of the domestic relations, as the same has been, or shall hereafter be finally determined by the Supreme Court of the United States, should be respected by all good citizens." . . .

The Breckinridge convention declared the right of all citizens "to settle with their property in the territories without their right either of person or property being destroyed or impaired by congressional or territorial legislation."

A fourth party calling itself the "Constitutional Union Party," composed largely of Southern Whigs, and the conservative Whigs of the North who declined to join the Republican party, nominated John Bell of Tennessee, for president, and Edward Everett of Massachusetts, for vice-president upon a platform of one "plank," declaring their adhesion to no political principles "other than the constitution of the country, the union of the states and the enforcement of the laws." The principal use of the Bell-Everett ticket was to facilitate combinations and fusions with the Breckenridge people whereby electoral votes were taken from Douglas and given to one or the other of the former.

H. H. Sibley

The campaign in Michigan was one of the most exciting and enthusiastic in the history of the country. Among the most effective and constant speakers for the Republican side were Senators Chandler and Bingham, and Austin Blair, who was soon after nominated for governor. At the Chicago convention there were three prominent Blairs—one from Missouri, one from Maryland, and one from Michigan—the latter chairman of the delegation. The many hundreds of spectators from all parts of Michigan were accustomed to designate Austin Blair as "our Blair." This was carried into the campaign; and "our Blair" was a favorite "catch word" and battle-slogan of the Republican hosts.

The result in Michigan was for Lincoln, 88,480; for Douglas, 65,067; for Breckenridge, 805; for Bell, 405.

The result in the country is indicated by the following figures:

| | Popular. | Electoral. |
|---|---|---|
| Abraham Lincoln | 1,865,913 | 180 |
| Stephen A. Douglas | 1,374,664 | 12 |
| John C. Breckenridge | 848,404 | 72 |
| John Bell | 591,500 | 39 |

Fusions and combinations had been so manipulated between the Breckenridge and Bell parties that while Douglas had almost as many votes among the people as both combined, yet in the Electoral College they had 111 to his 12, or nearly ten to one.

All through the campaign Southern orators and Southern newspapers made constant threats of secession and disunion in case of the election of Lincoln, although it were in strict accordance with the constitution, and by electoral votes representing the vast

majority of population, wealth and business. This threat was not a new one; and the people of the North did not fully believe that it was seriously meant. They expected that there would be a certain amount of bluster and demonstration, but did not believe that when it came to facing the actual dissolution of the Union and civil war, the leaders of the South would be so insane as to undertake it. But the South counted on having possession of both the war and interior departments, while the navy was in the hands of a subservient Northern man. Northern arsenals had been stripped of their arms and munitions to equip the Southern secessionists, while the ships of the navy had been dispersed to distant seas, so as to leave the incoming administration helpless. On the first Monday of December, 1860, the last session of the 36th congress commenced, with the "cotton states" almost in the actual throes of revolution.

Already, as early as November 20th, Attorney General Black had given his official opinion to the president that the latter had no constitutional power to compel a seceding state to remain in the Union "or to enforce an acknowledgment that the government of the United States is supreme."

The president adopting the counsel of his much-trusted legal advisor, and his last message to the congress held the following language:

> "The question fairly stated is: has the Constitution delegated to Congress the power to coerce into submission a state which is attempting to withdraw, or has actually withdrawn, from the Confederacy? If answered in the affirmative it must be upon the principle the the power has been conferred upon Congress to declare and to make war against a state.
>
> After much serious reflection I have arrived at the conclusion that no such power has been delegated to Congress, or to any other department of the Federal Government."

In other words that no power existed *anywhere* in the

government of the United States to protect and maintain its own life against any state that might attempt to break up and destroy the Union or levy war against the Union by seizing the forts, dock-yards, arsenals and arms within such state! This was official notice to all the friends of secession that nothing would be done to prevent secession so long as the existing administration remained in power.

In fact, we now know that the majority of the president's cabinet were at this very time in treasonable correspondence with the leaders of secession, advising them from day to day of the situation at the capital, and preparing the way for the overt act. But there was one man in the cabinet who neither believed or professed to believe in the right of secession, nor questioned the right and constitutional power of the Union to defend its own life; and as soon as it was made manifest that the president would refuse to enforce the revenue laws or reinforce the military posts in South Carolina, Lewis Cass, secretary of state, resigned his commission and returned to Michigan.

Three days later South Carolina, encouraged by the position of the president and by the advice received from the cabinet junta, Floyd, Cobb, and Thompson, passed an ordinance of secession, and Governor Pickens declared South Carolina a "separate, free and sovereign state," and actually had the effrontery to send an "embassy" to Washington to treat with the government for the surrender of the forts and places held by the United States within the limits of the new sovereignty. They were acting upon the theory that the president's message meant what it said. But meanwhile Jeremiah S. Black of Pennsylvania, an intimate personal friend of the president, had been appointed secretary of state, vice Cass, and Edwin M. Stanton was appointed attorney-

general, in place of Black. Thereupon the cabinet conspirators, Cobb, Floyd and Thompson seeing that they could no longer carry on their secret conspiracy in the cabinet, resigned and went south to promote secession and rebellion openly and avowedly.

The great object of the secessionists was now to organize a southern confederacy before the new administration could be inaugurated; and, assured of the noninterference of President Buchanan, to so fortify itself and prepare for war, that President Lincoln would not be able to cope with the rebellion thus inaugurated and fortified. In pursuance of this policy, state after state passed ordinances of secession, so that by February 1, 1861, South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas, all claimed to have withdrawn from the Union, and to have formed a provisional government of which Jefferson Davis, late senator from Mississippi, was chosen the head.

To these were added four more after the inauguration of President Lincoln, to wit:

Virginia, April 17, 1861.

Arkansas, May 6, 1861.

North Carolina, May 26, 1861.

Tennessee, June 8, 1861. Making in all the eleven states which constituted the so-called *"Confederate states of America."*

As each state passed its ordinance of secession the senators and representatives of that state at once withdrew from congress, leaving their seats vacant, and many of them were soon returned to the Confederate Congress at Montgomery, Alabama, or to Richmond, after the change of the seat of government to that city.

By the withdrawal of senators and members both houses of congress had passed under Republican control, but the members of both bodies had been elected

in 1858, long before the acute stage of the controversy was reached, and were apparently disqualified for dealing with it firmly and decisively.

Three attempts at compromise were made; one in the senate by the so-called "Crittenden Compromise;" one in the house by the report of a committee of 33; and one by the calling of a "peace conference" which met and labored and brought forth nothing. Meantime actual war was inaugurated in the South by the seizure of United States forts, naval stations, military posts and public buildings; while fear and trembling prevailed at Washington and all awaited the coming of the new administration.

The storm of war was about to break over the country, and the young men of Michigan waited with strong hearts and firm purpose the signal that should call them to the defence of the constitution and the Union. The action of General Cass in resigning from the cabinet when President Buchanan refused to attempt to prevent secession, met with universal approval in Michigan. He had already reached the advanced age of seventy-six, but the fire of patriotism was still burning in his soul, and from that day no one questioned his loyalty to the constitution or his love of the Union. He took firm ground that the Union must be preserved by force if need be, and gave of his efforts his time and his substance to that end. He was permitted to live to witness the end of the strife, to see the Union restored and the flag that he loved once more waving over every foot where the government of the United States possessed rightful jurisdiction.

Austin Blair had been elected Governor of Michigan by a vote of 87,806 to 67,221 for John S. Barry, who was the democratic candidate for the fourth time.

# CHAPTER XXVIII

## Michigan in the War—Sumter to Manassas

THE 21st legislature of the State of Michigan met at Lansing on January 1, 1861, and on the same day listened to the closing message of Governor Wisner. The message was long, clear and able. In part he said:

"The Constitution and laws of the state impose upon the Executive onerous duties, which require the exercise of judgment both in the construction and execution of the laws. In exercising this judgment I may have erred, but I have endeavored that such errors should always be in favor of the progress of the state; and I invite your closest scrutiny into each and every official act of mine."

After an able and lengthy discussion of the state of the Union and the threatened secession of the "Cotton States," he said:

"This is no time for timid and vacillating counsels when the cry of treason and rebellion is ringing in our ears. . . . We have no disposition to violate any part of the Constitution of our country, and *we will not violate it*. . . . I would calmly but firmly declare it to be the fixed determination of Michigan that "The Federal Constitution, the rights of the States and the Union of the States *must and* SHALL BE PRESERVED." (Joint Doc. 1860, p. 51.)

On the next day Governor Austin Blair delivered his inaugural. Of this important and memorable document we can quote only a few sentences: The message itself is long, eloquent and able. Discussing the nature of the National Union he said:

"But the Constitution of the United States of America is not in any sense a compact or league between independent sovereign states. On the contrary it is a foundation of government established by *the* PEOPLE of the United States, as a whole, perpetual in its character, possessing all the elements of sovereign power and nationality."

"Nor is there any power in the national government to dismember itself. No power but that of the people in their ultimate sovereignty can do that. We are one nation, and our people indivisible, with a common government and common interests. South Carolina is still a state in the Union in spite of her Ordinance, and her people

cannot be absolved from their obligation to obey the Constitution and the laws of our common country." . . .

"The Union must be preserved and the laws must be enforced in all parts of it at whatever cost. The President is bound to this by his oath, and no power can discharge him from it. Secession is revolution, and revolution in the overt act is treason and must be treated as such. The Federal Government has the power to defend itself, and I do not doubt that that power will be exercised to the utmost. It is a question of WAR that the seceding states have to look in the face."

In concluding he said:

"I recommend you at an early day to make manifest . . . . that Michigan is loyal to the Union, the Constitution and the laws, and will defend them to the uttermost; and to proffer to the President of the United States *the whole military power of the state* for that purpose."

That Governor Blair spoke the real sentiment of the people of Michigan was made clear not only by the official action of the legislature, but even more manifest by the action of the people of the state when the demand came for men.

On Feb. 2, 1861, the Governor approved the following resolution of the two houses of the legislature:

"*Resolved,* That Michigan adheres to the government as ordained by the Constitution, and for sustaining it intact hereby pledges and tenders to the general government *all its military power and material resources.*"

It will be noticed that they do not stop with the recommendation of the governor to tender the "military power" of the state, but add to all its "material resources." It will be remembered that this was a full month before the inauguration of President Lincoln. For four long, bloody and exhausting years Michigan remained loyal and true to this pledge.

But this first "War Legislature" meeting, under the shadow of the war cloud on New Year's day 1861 was not diverted by the threatened danger from attending efficiently to the internal and domestic affairs of the state. They redivided the state into representative,

J. B. Richardson

senatorial and congressional districts. Now for the first time the membership of the house of representatives was raised to the constitutional limit of one hundred, on the basis of one representative to each 8,350 electors or fraction in excess of one half. Under the law the state became entitled to six members of Congress, which continued the apportionment of the state for the next ten years. The Senate was increased to 32 by the constitution of 1850; the counties of Delta and Kewenaw in the Upper Peninsula were organized; the cities of Coldwater and Pontiac were incorporated; also the village of Muskegon and Kalamazoo was reincorporated. Appropriations were made for the asylums and for continuing the geological survey. A mining school was established in the Upper Peninsula, but not as a *State* institution; a general swamp-land-road act was passed providing for not less than thirty state-swamp-land roads, and also, looking in the same direction, a general drain law.

But the two most important acts were No. 122 being an act to authorize a loan of $2,000,000 to provide for the state indebtedness falling due January 1st, 1863, and authorizing the issue of bonds to the above named amount, $750,000 redeemable after 20 years; $500,000 after 15 years; $500,000 after 10 years, all at 6 per cent, and $250,000 redeemable after five years at 7 per cent. and "An act to provide a military force." This act is significant of the imperfect understanding of the nature of the struggle before the country. The preamble recites *whereas* certain states have resolved to secede from the federal Union, etc. . . . And *whereas,* this state as one of the loyal states of the Union ought to be prepared to meet this public emergency, and to aid in sustaining the American Union and the federal laws and authority, therefore, the governor was authorized to

muster *two regiments* into the service of the volunteer uniformed militia,—*"not to exceed* 20 *companies,* which shall be organized into two regiments of ten companies each." The regimental officers to be appointed and commissioned by the governor, and to be used under the command of the commander-in-chief or transferred to the military service of the general government, whenever required by the President; the force to be subject to drill and instruction not more than ten days in each month, and to receive pay at one dollar per day. The governor is authorized to purchase all necessary military stores, and render an account to the next meeting of the legislature. These were the essential features of Michigan's first war preparation. It proved a useful preparation when a few weeks later the actual storm of war burst upon the country.

It has been told in the last preceding chapter how state after state passed ordinances of secession so that by February 2 seven states had declared themselves out of the Union. It is manifest that if that declaration were maintained, the American Union was at an end, and the government founded by the men of the Revolution had already ceased to exist. There were not wanting some and they were men in high places, who were ready to say to them "wayward sisters go in peace." But that was not the sentiment of the great majority of the North. Whether, if they could have seen from the beginning the magnitude of the conflict, and the awful sacrifice of life and treasure it would involve, they would still have been of the same mind, are questions which we cannot now answer, and fortunately the men of that hour were not called upon to answer.

The hour had come when "the divine surgery of war" was to be applied to that deadly cancer which was eating out the vitals of the nation. A Divine Providence did

not allow the men of 1861 to look through the veil of blood and tears that might have blinded them and blurred their vision of the future, had it interposed before their sight.

On March 4 President Lincoln was inaugurated. In his inaugural the President made the strongest possible appeal to patriotism and to the memories of the past. He said to the South, in effect, "you cannot have war without yourselves being the aggressors." The only position held by the national government in South Carolina was Fort Sumter, in Charleston harbor. South Carolina demanded the surrender of the fort. Major Anderson with a small garrison held it. An attempt was made to reprovision the fort but failed. The troops of the Southern provisional government laid siege to it and on April 12 opened a bombardment. On the 14th Fort Sumter surrendered and the garrison was made prisoners of war. On Sunday, April 15th, the news of the bombardment and surrender flashed over the North, arousing such a spirit of patriotic devotion as the country had never before witnessed. Everyone now realized that it meant war—real, bloody war to a finish. The North was aflame. The flag had been fired on, a national fort bombarded and captured, the nation defied. Party lines were obliterated. Old animosities melted away and disappeared. Stephen A. Douglas, the leader and late candidate of the Northern democracy magnanimously waited upon President Lincoln and tendered his support and services in this great national crisis.

Similar things were being done all over the North. The South was not less aroused and inflamed. In every city and hamlet there were meetings and parades and enthusiasm, and the tender of life and property for the defense of their territory and the rights and liberties

which they professed to believe were endangered. The die was cast; the issue was joined. All realized that the Rubicon was crossed and that there was no retreat. The third day after the bombardment of Sumter, the president issued his proclamation calling for 75,000 men, to retake the forts and places belonging to the national government.

On Tuesday the 16th of April Governor Blair held a conference with the military officers of the state and leading citizens of Detroit and adjacent parts of the state, at the Michigan Exchange in Detroit. At this conference it was made known that the State treasury was nearly empty, and that it would be necessary to make temporary provision for means to raise and equip troops, by private contributions, and $23,000 was subscribed on the spot. This amount was later increased to upward of $81,000 and with these pledges in hand the state treasurer, John Owen, had no difficulty in negotiating the loan necessary to respond to the call of the President upon Michigan for one regiment of infantry.

On the same day (April 16) Governor Blair issued his proclamation calling for one regiment. The essential part of this first war proclamation should be incorporated here. It was as follows:

"*Whereas,* The President of the United States has made a requisition upon the State of Michigan for military aid in enforcing the laws and upholding the Constitution and the Union of the United States;

..*And, Whereas,* The laws of this State already authorize the raising of two regiments of Militia for the service of the Federal Government:

*And, Whereas,* Said laws contemplate that the uniformed volunteers shall first be called in such exigences;

*Now, therefore,* The Adjutant General of this State is hereby authorized to accept the services of ten companies of infantry, to be mustered into the service of the United States for three months (unless sooner disbanded)."

Then follows the details of organization and instruction:

"Those not immediately required will be formed into one or more additional regiments, as the exigences of the service may demand.

It is confidently expected that the patriotic citizen soldiery of Michigan will promptly come forward to enlist in the cause of the Union, against which an extensive rebellion in arms exists, threatening the integrity and perpetuity of the government." . . .

Given at Detroit this sixteenth day of April, A. D., 1861.

The President's call had been for 75,000 men to serve for three months. It is understood that Secretary Seward was the optimistic member of the cabinet who convinced the President that this small number of troops in ninety days could quell the insurrection of the Southern States. How greatly they erred in their judgment the sequel demonstrated. Before the struggle was finally ended Michigan had furnished to the government thirty regiments of infantry, eleven regiments of cavalry, fourteen batteries of field artillery, one regiment of engineers and mechanics, one regiment and numerous additional companies of sharpshooters, one regiment of colored troops, and three companies of cavalry attached to the "Merrill Horse." Besides these sufficient infantry companies to constitute a regiment took service in organizations of other states, impatient of delay in gaining admission to organizations of their own state. In the office of the Provost Marshal General of the United States, Michigan was credited with 90,048 enlistments, though the records of the Adjutant General's office of Michigan show a larger number.

On April 24 the Adjutant General issued his order (by direction of the governor) organizing the First Regiment Michigan Infantry. It was composed of the Detroit Light Guard, the Jackson Greys, the Coldwater Cadets, Manchester Union Guards, Steuben Guards, Michigan Hussars, Burr Oak Guard, Ypsilanti Light Guard, Marshall Light Guard, and the Hardee Cadets, all being of the Uniformed Volunteers, with such recruits as had been added thereto to fill them to the re-

quired number. It is not possible here to give the company organizations or even the list of the regimental officers. But this is the less to be regretted as all this information is so readily accessible in the official publication "Michigan in the War," compiled and published under the supervision of General John Robertson, who was Adjutant General of the State throughout the war, and for more than fifteen years thereafter.

This first (and only) Michigan three months regiment was mustered into the service of the United States on the first day of May 1861, 798 strong. The Colonel was Orlando B. Willcox, a graduate of West Point, who after serving through the war as a volunteer, entered the regular army and rose to the rank of Brigadier and Brevet Major General. He had attained the same rank in the volunteer army.

The First Michigan (three months) Regiment arrived in Washington on May 16th, one month from the day of the governor's proclamation, fully armed, uniformed and equipped, ready for the field. Among its company officers were ten who subsequently attained the rank of Colonel, and several who received brevets of Brigadier General.

The First Michigan was one of the first to advance into Virginia, and, on the 24th of May took possession of Alexandria. It participated in the battle of Bull Run, July 21, 1861, behaving with great gallantry and steadiness for a new regiment, losing 43 in killed and wounded beside 70 reported missing, nearly all of whom proved to be prisoners. Among the wounded and captured was Colonel Willcox, who was commanding the brigade, the regiment being under the command of Major Bidwell. The regiment retired with the army to Alexandria, and soon after returned to Michigan and was mustered out of the service August 7, 1861. It had

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proved a most valuable school of officers and men, to which the governor frequently resorted in the organization of the new regiments. Among regimental commanders who commenced their military career in the three months regiment were Colonels Lum, Throop, Withington, Roberts, Abbott, Whittlesey, Graves and Horner.

We have given especial mention to the service of this our first Michgan regiment, for the reason that for a short time it was Michigan's only one, and was the pioneer of that great army of Michigan men, who consecrated with their blood almost every important field in the War of the Rebellion.

It should have been before noted that before the outbreak of actual hostilities by the firing on Fort Sumter, Governor Blair had called the legislature to meet in special session at Lansing on May 7 to take such action as then might appear necessary to support the authority of the national government. The legislature assembled in accordance with the call, and remained in session until May 10, when it adjourned *sine die*.

In the four days of its session it passed ten acts and two joint resolutions. Only two of these need be noticed now. The first was an act to amend the act of March 16, 1861, "to provide a military force." This act it elaborated and extended so as to provide for one hundred companies to be recruited from the Volunteer Militia, of not less than 78 nor more than one hundred to each company. These one hundred companies were to be organized into a division of two brigades of five regiments each. The officers to be commissioned by the governor, and such part of the force as the governor might deem expedient should be put under drill and instruction by regiments. The remaining portions of the act provided for the muster, equipment, and discipline

of this force, and also provided for raising one company of engineers, provided the governor had assurances from the War Department that said company would be accepted into the service of the United States. The legislature also passed an act to provide for the relief by counties of the families of volunteers. Boards of Supervisors were authorized to borrow money or raise the same by taxation for the relief of the families of such volunteers, not exceeding the sum of fifteen dollars per month to any one family.

Act No. 5 provides for a war loan of not exceeding $1,000,000 for the purpose of organizing the Volunteer Militia for suppressing insurrection, etc. The governor and state treasurer were authorized to negotiate the loan. The acts and resolutions of this special session were all approved on the last day thereof, May 10.

It is to be presumed that the legislature supposed that it had made ample provision for the demands that might be made upon the state until the meeting of the next regular session of that body. Yet before that date was reached, Michigan had sent to the field not less than sixteen regiments of infantry, cavalry and artillery, and one full regiment of engineers and mechanics.

By an order of May 11, 1861, the Secretary of War (Simon Cameron), authorized the raising of three regiments in Michigan in addition to the three months regiment, the three new regiments to be enlisted "for three years or during the war." The secretary wrote to Governor Blair under above date, "Let me earnestly recommend to you to call for *no more* than four regiments, of which only three are to serve for three years or during the war. And if more are already called for to reduce the number by discharge." This shows conclusively that the cabinet was still under the spell of Secretary Seward's ninety day delusion.

But whoever else was deluded Governor Blair was not. He had grasped the nature and magnitude of the Southern conspiracy, and was in favor of raising at once an overwhelming force, and preparing for all contingencies. Therefore in apparent disregard of the exhortation of the Secretary of War, he ordered, May 27, the organization of the 5th, 6th and 7th infantry, and the assembling of the officers and non-commissioned officers of those three regiments at Fort Wayne, near Detroit, for a school of instruction. This authority was conferred upon the governor by the act of May 10, to provide a military force, and proved a very wise and timely exercise of his authority.

Congress, called in special session on July 4th by the proclamation of the President, having had its eyes opened to the fallacy of Secretary Seward's "ninety day theory," by the battle of Bull Run, authorized the call into service of 500,000 men, under which call there were ultimately received into the service 657,863 for three years, 30,952 for two years, and about 12,000 for less periods. Michigan's quota under this call was 21,337, and by January 1, 1862, 16,475 officers and men had been recruited, organized, drilled and forwarded to the field. And before one year from the date of the outbreak at Charleston had passed over, Michigan had fully answered every requisition made upon her.

# CHAPTER XXIX

## Michigan's Contributions to the Union Army

THE limits of this volume absolutely forbid any extensive history of the part taken by the Michigan regiments in the war for the maintenance of the Union. There is, perhaps, no epoch of Michigan history so familiar not only to the people of the state, but to the outside world, as her part in the suppression of the great Rebellion. In 1879 the legislature by law provided for the compilation and publication in one volume of a report "of the services of Michigan regiments, batteries and companies in the late war." The original joint resolution provided for the distribution of only 1,500 copies of the work; but the legislature of 1881 provided for a revised edition of 30,000 copies, for distribution to all honorably discharged soldiers or sailors credited to the state, or to be sold to any person desiring to purchase, at a price not exceeding ten per cent above cost. The volume prepared under this legislation by the veteran Adjutant General of the State, John Robertson, makes a book of upward of a thousand pages, and under the title of "Michigan in the War" is to be found in all public libraries in Michigan and in the hands of many thousands of families in this and in other states.

The legislature of 1887 by law authorized the publication and distribution of a third and revised edition of "Michigan in the War," which was exhausted; and by public act 147, laws of 1903, provision was made for the publication of the record of every organization and of every officer and enlisted man from the state "in the War of the Rebellion." Under this law the Records have been printed and distributed in forty-five small volumes, now accessible in all the libraries of the State. The materials for the history of that epoch being so universally diffused and so readily accessible, it has not

been considered necessary to unduly extend the size of this volume by including more than a brief summary of Michigan's part in the great war. In the preceding chapter we have given such a summary of the raising of the First (3 months) Regiment, and its service and muster out. A like summary of all the forty-six regiments would be impracticable, and we must be content to deal with them in a general way.

During the first year of the war, April 15, 1861, to April 15, 1862, the State of Michigan, recruited, organized and put in the field (besides the three months regiment) sixteen regiments of infantry, three regiments of cavalry (1st, 2nd and 3rd), eight batteries of light artillery, one regiment of engineers and mechanics, two companies U. S. sharpshooters, and two companies of cavalry, which joined a Missouri regiment, known as the "Merrill Horse," making a total equivalent of twenty-two full regiments, raised and sent to the front in less than twelve months, out of a population of about 750,000. The numbers, date, place of muster and date of departure from the state of these regiments was as follows

| No. | Date of Muster. | Place. | Date of Departure. |
|---|---|---|---|
| 1st Infantry, 3 months, | May 1, '61, | Detroit, | May 13, '61. |
| 1st Infantry, 3 years, | Sept. 16, '61, | Ann Arbor, | Sept. 16, '61. |
| 2nd Infantry, 3 years, | May 25, '61, | Detroit, | June 5, '61. |
| 3rd Infantry, 3 years, | June 10, '61, | Grand Rapids, | June 13, '61. |
| 4th Infantry, 3 years, | June 10, '61, | Adrian, | June 28, 1861. |
| 5th Infantry, 3 years, | Aug. 28, '61, | Detroit, | Sept. 11, 1861. |
| 6th Infantry, 3 years, | Aug. 20, '61, | Kalamazoo, | Aug. 30, '61. |
| 7th Infantry, 3 years, | Aug. 22, '61, | Monroe, | Sept. 5, '61. |
| 16th Infantry, 3 years, | Sept. 8, '61, | Detroit, | Sept. 16, '61. |
| 8th Infantry, 3 years, | Sept. 23, '61, | Detroit, | Sept. 27, '61. |
| 9th Infantry, 3 years, | Oct. 15, '61, | Detroit, | Oct. 25, '61. |
| 10th Infantry, 3 years, | Feb. 6, 1862, | Flint, | April 22, 1862. |
| 11th Infantry, 3 years, | Sept. 24, 1861, | White Pigeon, | Dec. 9, 1861. |
| 12th Infantry, 3 years, | March 5, 1862, | Niles, | March 18, 1862. |
| 13th Infantry, 3 years, | January 17, 1862, | Kalamazoo, | Feb. 12, '62. |
| 14th Infantry, 3 years, | Feb. 13, '62, | Ypsilanti, | April 17, '62. |
| 15th Infantry, 3 years, | March 20, 1862, | Monroe, | March 27, '62. |

It will be noticed that the 16th infantry is numbered out of its proper order. That was because it was recruited under the direct authority of the Secretary of War without the intervention of the state officials. It was known as "Stockton's Independent Regiment." After much delay, the regiment received state commissions, but at that time fifteen regiments of infantry had already been organized, commissioned and numbered; hence the Stockton regiment received the number Sixteenth, although it was really the 8th to take the field. The cavalry regiments which went to the field the first year were as follows

| Regiment. | Mustered. | Place. | Left State. |
|---|---|---|---|
| First Cavalry..... | Sept. 13, '61 | Detroit | Sept. 29, .61 |
| Second Calvalry.... | Oct. 2, '61 | Grand Rapids | Nov. 14, '61 |
| Third Cavalry..... | Nov. 1, '61 | Grand Rapids | Nov. 28, '61 |

The Engineers and Mechanics was mustered at Marshall, Oct. 29, 1861, and moved to the front Dec. 17, '61.

The first eight batteries of light artillery were organized and mustered as follows:

Battery A (Coldwater), May 28, 1861.
Battery B (Grand Rapids), Nov. 26, 1861.
Battery C (Grand Rapids), Nov. 28, 1861.
Battery D (White Pigeon), Sept. 17, 1861.
Battery E (Marshall), Dec. 6, 1861.
Battery F (Coldwater), Jan. 9, 1862.
Battery G, (Kalamazoo), Jan. 17, 1862.
Battery H (Monroe), March 6, 1862.
The last of these batteries left the state on March 13, 1862.

The two companies of "Merrill Horse" left the state on Sept. 3, 1861, and were mustered into the service of the United States at Fayette, Missouri, on Sept. 6th. They served until Sept. 21, 1865, when they were disbanded at Nashville, Tennessee.

Of these first year regiments the First, Second, Third, Fourth, Fifth, Seventh and Sixteenth were assigned to the army of the Potomac, of which, with a few exceptions to be noted, they formed a part to the close of the war.

The Sixth Infantry was assigned to the army of the Gulf, under the command of General Benj. F. Butler, sailing from Hampton Roads, March 4, 1862. Almost the entire service of this regiment was in the gulf states, especially in Louisiana and Alabama.

The Eighth Infantry was assigned to the "Expeditionary Corps" under General T. W. Sherman, designed to gain a foothold on the coast of South Carolina. It reached Hilton Head, Nov. 7, 1861, and remained in South Carolina until August 1862, when it joined the army of the Potomac and became incorporated in the Ninth Army Corps, with which it did excellent service until the close of the war, sharing in all its campaigns. The Colonel of the Eighth during the campaigns of 1861 and 1862 was William M. Fenton, of Flint, former lieutenant governor of the state. He resigned in March, 1863.

During the second year of the war (April 15, 1862-April 15, 1863) Michigan raised, equipped and sent to the seat of war eleven regiments of infantry (17th to 27th inclusive) eight regiments of cavalry (4th to 11th inclusive), four batteries of field artillery, (Co.'s I, K, L and M), and one regiment sharpshooters, one company of cavalry (L, Merrill Horse), an equivalent of twenty-one regiments. Of these the 17th, 20th, 24th, 25th, 26th and 27th infantry regiments were sent to the army of the Potomac, and shared in all its campaigns (except the regiments attached to the Ninth Army Corps), until the end of the war. Every one of these were of the same sterling stuff as had characterized the older Michigan regiments.

Of the cavalry regiments the 5th, 6th and 7th were assigned to the Potomac army, and about the first of July, 1863, together with the First Michigan Cavalry were organized into the "Michigan Cavalry Brigade,"

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under General George A. Custer in whose command they became the most effective and the most famous cavalry brigade in the service.

The remaining regiments of cavalry, the 8th, 9th, 10th and 11th were ordered to Kentucky and Tennessee, and attached to the army of the Ohio and the army of the Cumberland. The 11th was ultimately consolidated with the 8th. The 1st sharpshooters saw its first field service in the pursuit of General John Morgan in Indiana and Ohio in July, 1863, but was ultimately assigned to the Ninth Army Corps, in the Division of General O. B. Willcox in whose campaigns it shared to the end of the war.

It will be seen, therefore, that within less than twenty-four months from the firing on Sumter, Michigan had put in the field twenty-eight (28) regiments of infantry, eleven (11) regiments of cavalry, one full regiment of twelve batteries of field artillery, a regiment of engineers and a regiment of shapshooters, and sufficient companies who entered the service in other states to make up fully two additional regiments, an aggregate of forty-four regiments, or only a little less than two regiments a month, summer and winter.

During the remaining two years of the war, the energies of the state were necessarily given principally to filling up the ranks of the regiments already in the field, some of them reduced to mere companies by the casualties of battle and sickness. In 1864 three additional infantry regiments were filled, and the 28th and 29th sent to the seat of war, while the 30th was retained in the state for the protection of the frontier and for the purposes of a Provost Guard, in place of more experienced organizations sent to the front. The thirteenth and fourteenth batteries were also sent to Washington in Feb. 1864, but their duty was confined to garrison work.

They had only one opportunity to meet the enemy, which was in July 1864, when General Early made his attempt on the city of Washington. The 102nd U. S. Colored Troops, raised in Michigan, completes the list of Michigan organizations. It was sent to the East and performed most of its services in South Carolina and Florida.

We have mentioned above the regiments which were sent to the East and the Gulf. The remaining regiments, the 9th, 10th, 11th, 12th, 13th, 14th and 15th infantry in the first year, and the 18th, 19th, 21st, 22nd and 23rd the second year, were sent to the Western armies and rendered their service west of the mountains. The Ninth was attached to the army of the Cumberland; the Tenth to the army of the Mississippi, joining near Corinth in May 1862, the Eleventh joined the army of the Cumberland, and most of its campaigning was in Kentucky and Tennessee, except during the Atlanta campaign. In Sept. 1864 it was sent home and reorganized; the Twelfth, organized at Niles, took the field in the spring of 1862 in season to take part in the battle of Pittsburg Landing, Tennessee, and its service was rendered in the valley of the Mississippi, mostly in the states of Tennessee, Mississippi and Arkansas.

The 13th infantry was organized at Kalamazoo, and took the field in Kentucky under command of Colonel Michael Shoemaker, Colonel Chas. E. Stuart, former U. S. Senator having resigned before the regiment went to the front. It was attached to General Buell's army of the Cumberland, and reached Pittsburg Landing just at the close of the battle of Shiloh. The 13th rendered its service in the armies of the West, and took gallant part in the greatest of the battles in that section. During most of the summer of 1864, having "veteranized," it was stationed at Lookout Mountain as engin-

eers, but joined General Sherman on the "March to the Sea," and through the Carolinas.

The 14th moved from Ypsilanti on the 17th April, 1862, and joined the army near Corinth, Miss. Its service was with the Fourteenth Corps, chiefly in Tennessee, Mississippi and Georgia, taking part in the "March to the Sea," and through the Carolinas, rendering most gallant service during its last campaign. This regiment gained its highest repute under the command of Colonel Henry R. Mizner (Capt. U. S. Army).

The Fifteenth Infantry, organized at Monroe, joined the army in the field in time to take part in the battle of Pittsburg Landing. Its campaigns were substantially the same as those of the last two regiments. It remained in service until September 1865.

The Eighteenth Infantry (the first of the Congressional district regiments) was stationed in Kentucky until April 1863, when it proceeded to Nashville, Tennessee, where it remained until June 1864, most of the time as Provost Guard. In Oct. 1864 it took part in the defense of Decatur, Alabama. It was mustered out of the service at Nashville, June 26, 1865, and at once returned to Michigan.

The Nineteenth Infantry was attached to the army of Ohio, September 1862. It's service was with that army in Kentucky, Tennessee, and with Sherman's army in the Atlanta campaign, and in the subsequent "March to the Sea," and through the Carolinas.

The Twenty-first Infantry entered on its field service in Kentucky, September 1862, and operated with the army of the Cumberland until the battle of Chickamauga, September 19th and 20th, 1863. After that it was detached as an engineer regiment and on duty as such in the neighborhood of Chattanooga and at Lookout Mountain. In Nov., 1864, it was attached to the

Fourteenth Army Corps, and participated in Sherman's "March to the Sea," and returned to the North through the Carolinas, by Richmond and Washington, participating in the "grand review," and was mustered out near Washington, June 8, 1865.

The Twenty-second Regiment was attached to the army of the Cumberland, and served in Kentucky, Tennessee, and Georgia in the Atlanta campaign, but did not take part in the Savannah and Carolina campaigns. It was mustered out at Nashville, June 26, 1865, and returned to Michigan immediately. Its first Colonel was ex-Governor Moses Wisner, who died at Lexington, Ky., Jan., 1863.

The Twenty-third Michigan was the last of the six Congressional district regiments, called July 15, 1862. It left Michigan, September, 1862, and was for some time stationed in Kentucky. It was attached to the 23rd Army Corps, army of Ohio. It shared in the campaigns of that Corps in Tennessee and Georgia, and proceeded with General Schofield from Nashville to North Carolina, and reached Michigan July 7, 1865, and was mustered out and discharged on the 20th of that month.

It should, however, be stated here that the third, fourth and eleventh infantry were "reorganized" at the expiration of their original enlistment in 1864, the reenlisted "veterans" forming the basis of the new organizations. These three reorganized regiments were in fact and in effect new regiments, though they bore the old numbers of the original regiments. The third and fourth "reorganized," went to the seat of war in Tennessee in the autumn of 1864 in time to render valuable service in that campaign. In the spring of 1865 they constituted a part of the force ordered to Texas, partly for the maintenance of order and the enforcement of

national authority in that region and partly for the moral effect on the condition of affairs in the neighboring "Empire" of Mexico.

The reorganized 11th did not proceed to the front until the spring of 1865, just before the close of the war. It remained in Tennessee doing guard duty until September 16, when it was mustered out, and returned to Michigan. Including in the list these three "reorganized" regiments, it raises Michigan's contribution to the army for the defense of the government to not less than fifty full regiments.

The 27th infantry was one of the 9th Army Corps regiments that took part in the Kentucky, Mississippi and Tennessee campaigns of 1863. The Engineers and Mechanics Regiment served in the Western army and rendered most valuable service.

The last of the Michigan infantry regiments to be mustered out and disbanded were the reorganized regiments the 3rd, 4th and the 12th.

The 3rd reorganized was mustered out in Texas, May 25, 1866.

The 4th reorganized at Houston, Texas, May 26, 1866.

The 12th at Camden, Arkansas, Feb. 15th' 1866.

The latest Cavalry regiments to be discharged were:

The 10th cavalry, at Memphis, Tennessee, Nov. 11, 1865.

The 7th cavalry at Fort Leavenworth, Kansas, Dec. 15, 1865.

The 1st cavalry at Salt Lake City, Utah, March 10, 1866.

The first cavalry was in service from Sept. 13th, 1861, to March 10, 1866. During its service it carried on its rolls 3,244 officers and men, and suffered a loss of 10 officers and 92 men killed in action, 5 officers

and 46 men died of wounds; a total of 153. It also lost 246 by disease.

We have already mentioned certain regiments whose service was with the army of the Potomac with some exceptions. Those Michigan regiments, which were attached to the Ninth Army Corps—the 2nd, 8th, 17th and 20th infantry—accompanied that corps when it was detached from the Potomac army after the battle of Fredericksburg, and during the spring of 1863 took part in the Kentucky campaign, and in June proceeded to Vicksburg,, Mississippi, where they participated in the siege of that stronghold, and in the subsequent campaign against Jackson in July, and in August returned once more to Kentucky, and in September advanced into East Tennessee, where they remained in active campaign through the fall and following winter of 1863-4, and in March 1864 again returned to the army of the Potomac, taking active and effective part in all the operations of that army from the crossing of the Rapidan, May 4, 1864, until the surrender of General Lee's army at Appomattox, April 9, 1865. The regiments before named were joined in May 1863, while in Kentucky, by the 27th Michigan, which had recently left the state, and which thenceforth to the end of the war remained a part of the Willcox division, which included all the Michigan regiments attached to the Ninth Corps.

In April, 1864, the First Michigan Sharpshooters joined the same division before the opening of the campaign, increasing the number of Michigan regiments in the division to six,—the 2nd, 8th, 17th, 20th, 27th and First Sharpshooters. Three of these were placed in the first and three in the second brigade of Willcox's division, and each and every one of them is classed by Colonel Fox, in his great work on "Regimental

Losses of the Civil War." Among the "Three Hundred Fighting Regiments." That classification, however, of right belongs to every Michigan regiment that had a fair and equal chance to show its mettle. Some had more and better opportunities than others, and it must be admitted that those regiments attached to the army of the Potomac had superior advantages in that regard.

In estimating the fighting force of an army the *quality* of the troops counts for more than their quantity. Thus far we have spoken chiefly of the quantity, but it may be safely averred that the quality of Michigan's Volunteers was equal to that of any equal number of troops the world has seen, length of service and experience being considered. General Robertson, Michigan's war time Adjutant General, gives in "Michigan in the War" a list of more than eight hundred battles, actions and skirmishes in which Michigan regiments took part.

The Second Infantry opened the fight at Blackburn's Ford, Virginia, preliminary to the battle of Bull Run, on July 18, 1861, and the 4th cavalry captured the President of the Confederacy, Jefferson Davis, at Irwinsville, Georgia, on May 10th, 1865, thus closing the war, and there was no great battle east or west between these dates in which Michigan men did not take an honorable part.

Michigan blood marked the trail of the army of the Potomac from Manassas to Gettysburg and from Gettysburg to Appomattox, in the East, and in the armies of the West from the Ohio river to Savannah and New Orleans. It would be most unbecoming in the historian of Michigan to claim pre-eminence for valor or patriotism for the Michigan troops in the great war, but it is simple truth and justice to say that there were none superior.

It would be a matter of pride and pleasure to record special instances where particular regiments or batteries rendered distinguished service, or to refer to individual officers and men who shed imperishable lustre upon the state by conspicuous acts of gallantry or sacrifice. But that would open too wide a door, and would require an additional volume. Nor would it be seemly to compare the records of different regiments among themselves. Some had greater opportunities than others, some were more brilliantly led than others, some rendered their service in remote regions, detached from the great bodies of our fighting forces. All met the call of duty as it came to them.

The largest proportional death roll belongs to the 5th Michigan Infantry. Out of a total enrollment of 1,950 officers and men the record shows 10 officers and 141 enlisted men killed in action, 6 officers and 75 men died of wounds received in action, and 3 officers and 163 men died of disease. The Eighth Infantry out of an enrollment of 1,792 officers and men suffered a loss of 9 officers and 131 men killed in action, 3 officers and 64 men died of wounds received in action, and 2 officers and 195 men died of disease. It is probable that if length of service were taken into account other regiments would be found to have suffered as large or larger proportional losses. If any desire to test the question they will find all the regimental losses duly tabulated in "Michigan in the War" (2nd edition), 1882, at page 749.

With a simple but most eloquent table of recapitulation of the loss of life in all Michigan organizations we must close this chapter of Michigan's contribution to the Union Army.

| | |
|---|---|
| Officers killed in action | 177 |
| Officers died of wounds received in action | 85 |

| | |
|---|---|
| Officers died of disease | 96 |
| Total of officers | 358 |
| Enlisted men killed in action | 2,643 |
| Enlisted men died of wounds | 1,302 |
| Enlisted men died of disease | 10,040 |
| | 13,985 |

To this must be added 14 serving in regiments of other states and 498 taken from the rolls of the Quartermaster General's Department of the United States, but not found in the records of the Adjutant General's office and the aggregate is 14,855, an army equal to that with which General Scott marched against the City of Mexico.

# CHAPTER XXX

## Affairs in Michigan During the Civil War

THOUGH the principal business of the people of the state from 1861 to 1865 was the prosecution of the war, and though Governor Blair is customarily spoken of as "the War Governor," yet war was not the *sole* occupation. One passing through the state, even in 1864, when the greatest number of men were absent in the army would scarcely have noticed the change, though attention would have been unavoidably drawn to the large number of men wearing blue uniforms—soldiers home on furlough, or while recovering from wounds or sickness. Farms and factories went on as usual, and when the last gun was fired at Appomattox the state was richer and its resources greater than on the day when the first gun was opened on the flag at Sumter. Legisltaion also went on as usual. The legislature met each year and provided for the many wants of a growing state as if no war were pending. New counties were organized, and old ones reorganized; new cities were incorporated, new railroads built, new farming sections opened, and all the vast and varied industries of the Commonwealth advanced.

There was a special session of the Legislature in 1862. But little legislation was necessary. An act was passed to reorganize the militia, and resolutions adopted reaffirming the state's firm adherence to the federal government, and her "undying hostility to traitors, her abiding love for freedom and her confidence in the wisdom and patriotism of the National Administration." They also favored the confiscation of the property of "insurrectionists." At this time the state debt as reported by the state treasurer was $2,836,264.24.

The regular session of 1863 was an important one. A relief fund was provided for disabled and needy soldiers; a war loan of $1,250,000 was authorized; an

act to punish desertion or resistance to the draft was passed, and a military department was established at the Agricultural College. Resolutions of eulogy and thanks to Michigan soldiers were adopted, a roll of honor provided for, and strong, eloquent and forcible resolutions of loyalty to the cause of the Union repeated.

Among the acts of the legislature of 1864 were the soldiers voting law, under which commissioners appointed by the governor visited the Michigan regiments in the field, at their various stations, and received and returned their votes. The result of this election by soldiers in the field was as follows:

For the Lincoln electors.....9,402
For the McClellan electors.....2,959
For Henry H. Crapo for Governor.....9,612
For William M. Fenton for Governor.....2,992

From five regiments of infantry and four regiments of cavalry and one battery of artillery no vote was returned. An act was also passed for the payment of bounties to volunteers enlisting in Michigan regiments and one authorizing a war bounty loan.

The session of 1864 was a special one, and but little general legislation was enacted. An appropriation was made for the national cemetery at Gettysburg. Many railroad aid acts were passed, and a large number of swamp land roads provided for. A very strong and pointed resolution in favor of the reëlection of President Lincoln was a rather unusual incident of war times. The election of 1862 had resulted in the reëlection of Austin Blair for governor and substantially the entire state administration. In 1864 Governor Blair declined to be again a candidate, and Henry H. Crapo of Flint, a wealthy lumberman who had resided only a few years in the state, was chosen to succeed Governor Blair, and conducted affairs in the few closing months of the war.

Before closing this chapter, justice requires a more particular tribute to the patriotism, devotion and ability of the "War Governor," Austin Blair. By his entire devotion to the welfare of the troops in the field he endeared himself to the whole body of Michigan volunteers; and to the end of his life, they regarded him as the *only* "War Governor." No higher tribute can be paid him than to say that though he had charge of the raising and equipping of ninety thousand men and the commissioning of thousands of officers, the four years in the governorship left him a poor man—much poorer indeed than when he entered upon the office. Very properly his bronze statue stands at the principal entrance to the state capitol at Lansing, a just tribute to strict integrity, lofty patriotism, and unsullied honor.

The close of the first thirty years of MICHIGAN AS A STATE found the commonwealth strong, vigorous, confident, proud of her part in preserving the Union and high advanced among her sister states in all the elements of most advanced civilization.

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